

1           **\*-1785/P3.29\* SECTION 1760.** 71.61 (6) of the statutes is created to read:

2           71.61 (6) SUNSET. (a) For claims that are filed under s. 71.59 and computed  
3           under s. 71.60 for taxable years that begin after December 31, 2000, based on  
4           property taxes that are accrued in the previous calendar year, ss. 71.59 (1) (b) 3. and  
5           (d) 1. to 4. and 71.60 (1) (c) do not apply.

6           (b) No new claims may be filed under s. 71.59 and computed under s. 71.60 for  
7           taxable years that begin after December 31, 2002.

8           **\*-1917/1.32\* SECTION 1761.** 71.64 (9) (b) of the statutes is renumbered 71.64  
9           (9) (b) (intro.) and amended to read:

10          71.64 (9) (b) (intro.) The department shall from time to time adjust the  
11          withholding tables to reflect any changes in income tax rates, any applicable surtax  
12          or any changes in dollar amounts in s. 71.06 (1), (1m), (1n), (1p) and (2) resulting from  
13          statutory changes, except ~~that the~~ as follows:

14          1. The department may not adjust the withholding tables to reflect the changes  
15          in rates in s. 71.06 (1m) and (2) (c) and (d) and any changes in dollar amounts with  
16          respect to bracket indexing under s. 71.06 (2e), with respect to changes in rates under  
17          s. 71.06 (1m) and (2) (c) and (d), and with respect to standard deduction indexing  
18          under s. 71.05 (22) (ds) for any taxable year that begins before January 1, 2000.

19          (c) The tables shall account for the working families tax credit under s. 71.07  
20          (5m), subject to s. 71.07 (5m) (e). The tables shall be extended to cover from zero to  
21          10 withholding exemptions, shall assume that the payment of wages in each pay  
22          period will, when multiplied by the number of pay periods in a year, reasonably  
23          reflect the annual wage of the employee from the employer and shall be based on the  
24          further assumption that the annual wage will be reduced for allowable deductions  
25          from gross income. The department may determine the length of the tables and a

1 reasonable span for each bracket. In preparing the tables the department shall  
2 adjust all withholding amounts not an exact multiple of 10 cents to the next highest  
3 figure that is a multiple of 10 cents. The department shall also provide instructions  
4 with the tables for withholding with respect to quarterly, semiannual and annual pay  
5 periods.

6 **\*-1917/1.33\* SECTION 1762.** 71.64 (9) (b) 2. of the statutes is created to read:

7 71.64 (9) (b) 2. The department shall adjust the withholding tables to reflect  
8 the changes in rates in s. 71.06 (1n), (1p) and (2) (e), (f), (g) and (h) and any changes  
9 in dollar amounts with respect to bracket indexing, with respect to changes in rates  
10 under s. 71.06 (1p) and (2) (g) and (h) on July 1, 2000.

11 **\*-1917/1.34\* SECTION 1763.** 71.67 (4) (a) of the statutes is amended to read:

12 71.67 (4) (a) The administrator of the lottery division in the department under  
13 ch. 565 shall withhold from any lottery prize of \$2,000 or more an amount determined  
14 by multiplying the amount of the prize by the highest rate applicable to individuals  
15 under s. 71.06 (1) ~~or~~, (1m), (1n) or (1p). The administrator shall deposit the amounts  
16 withheld, on a monthly basis, as would an employer depositing under s. 71.65 (3) (a).

17 **\*-1917/1.35\* SECTION 1764.** 71.67 (5) (a) of the statutes is amended to read:

18 71.67 (5) (a) *Wager winnings.* A person holding a license to sponsor and  
19 manage races under s. 562.05 (1) (b) or (c) shall withhold from the amount of any  
20 payment of pari-mutuel winnings under s. 562.065 (3) (a) or (3m) (a) an amount  
21 determined by multiplying the amount of the payment by the highest rate applicable  
22 to individuals under s. 71.06 (1) (a) to (c) ~~or~~, (1m), (1n) or (1p) if the amount of the  
23 payment is more than \$1,000.

24 **\*-0762/P1.1\* SECTION 1765.** 71.75 (8) of the statutes is amended to read:

1           71.75 (8) A refund payable on the basis of a separate return shall be issued to  
2           the person who filed the return. A refund payable on the basis of a joint return shall  
3           be issued jointly to the persons who filed the return, except that, if a judgment of  
4           divorce under ch. 767 apportions any refund that may be due the formerly married  
5           persons to one of the former spouses, or between the spouses, and if they include with  
6           their income tax return a copy of that portion of the judgment of divorce that relates  
7           to the apportionment of their tax refund, the department shall issue the refund to  
8           the person to whom the refund is awarded under the terms of the judgment of divorce  
9           or the department shall issue one check to each of the former spouses according to  
10          the apportionment terms of the judgment.

11           \***-1689/3.12\*** SECTION 1766. 71.84 (2) (a) of the statutes is amended to read:

12           71.84 (2) (a) Except as provided in s. 71.29 (7), in the case of any underpayment  
13           of estimated tax under s. 71.29, 71.255 or 71.48 there shall be added to the aggregate  
14           tax for the taxable year interest at the rate of 12% per year on the amount of the  
15           underpayment for the period of the underpayment. For corporations, except as  
16           provided in par. (b), “period of the underpayment” means the time period from the  
17           due date of the instalment until either the 15th day of the 3rd month beginning after  
18           the end of the taxable year or the date of payment, whichever is earlier. If 90% of the  
19           tax shown on the return is not paid by the 15th day of the 3rd month following the  
20           close of the taxable year, the difference between that amount and the estimated taxes  
21           paid, along with any interest due, shall accrue delinquent interest under s. 71.91 (1)  
22           (a).

23           \***-1098/3.25\*** SECTION 1767. 71.93 (1) (a) 3. of the statutes is amended to read:

1           71.93 (1) (a) 3. An amount that the department of health and family services  
2           may recover under s. 49.45 (2) (a) 10, or 49.497, if the department of health and  
3           family services has certified the amount under s. 49.85.

4           **\*-2023/1.19\* SECTION 1768.** 73.01 (1) (b) of the statutes is amended to read:

5           73.01 (1) (b) ~~“Small claims” is a matter in which~~ “Summary proceeding” means  
6           a matter in which the amount in controversy, including any penalty, after the  
7           department of revenue takes its final action on the petition for redetermination is  
8           less than ~~\$2,500~~ \$100,000 unless the commission on its own motion determines that  
9           the case not be heard as a ~~small claims case~~ summary proceeding, or unless the  
10          department of revenue ~~determines or a party petitioning for review alleges that the~~  
11          case involves a constitutional issue or alleges that the case has statewide  
12          significance.

13          **\*-2023/1.20\* SECTION 1769.** 73.01 (3) (a) of the statutes is amended to read:

14          73.01 (3) (a) ~~The time and place of meetings and hearings~~ Hearings of the  
15          commission shall be at times designated by the chairperson ~~and held in any of the~~  
16          following cities: Appleton, Eau Claire, LaCrosse, Madison, Milwaukee and Wausau.  
17          Rooms for hearings outside the city of Madison shall be provided under s. 73.07. All  
18          hearings held in Milwaukee shall be held in the southeast district office of the  
19          department of natural resources. The commission shall maintain permanent  
20          hearing rooms in Madison.

21          **\*-2023/1.21\* SECTION 1770.** 73.01 (4) (a) of the statutes is amended to read:

22          73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,  
23          the commission shall be the final authority for the hearing and determination of all  
24          questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.  
25          70.11 (21), 70.38 (4) (a), 70.397, 70.64, 70.75, 70.85 and 70.995 (8), s. 76.38 (12) (a),

1 1993 stats., ss. 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22,  
2 78.40, 78.555, 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76 and 139.78,  
3 subch. XIV of ch. 71 and subch. VII of ch. 77. Whenever with respect to a pending  
4 appeal there is filed with the commission a stipulation signed by the department of  
5 revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance,  
6 modification or reversal of the department's position with respect to some or all of the  
7 issues raised in the appeal, the commission shall enter an order affirming or  
8 modifying in whole or in part, or canceling the assessment appealed from, or allowing  
9 in whole or in part or denying the petitioner's refund claim, as the case may be,  
10 pursuant to and in accordance with the stipulation filed. No responsibility shall  
11 devolve upon the commission, respecting the signing of an order of dismissal as to  
12 any pending appeal settled by the department without the approval of the  
13 commission.

14 **\*-2023/1.22\* SECTION 1771.** 73.01 (4) (am) of the statutes is amended to read:

15 73.01 (4) (am) Whenever it appears to the commission or, in respect to hearings  
16 conducted by one commissioner, to that commissioner that proceedings have been  
17 instituted or maintained by the taxpayer primarily for delay or that the taxpayer's  
18 position in those proceedings is frivolous or groundless, the commission or  
19 commissioner may assess the taxpayer an amount not to exceed ~~\$1,000~~ \$5,000 at the  
20 same time that the deficiency is assessed. Those damages shall be paid upon notice  
21 from the department of revenue and shall be collected as a part of the tax.

22 **\*-2023/1.23\* SECTION 1772.** 73.01 (4) (b) of the statutes is amended to read:

23 73.01 (4) (b) Any matter required to be heard by the commission may be heard  
24 by any member of the commission or its hearing examiner and reported to the  
25 commission, and hearings of matters pending before it shall be assigned to members

1 of the commission or its hearing examiner by the chairperson. Unless a majority of  
2 the commission decides that the full commission should decide a case, cases other  
3 than ~~small claims cases~~ summary proceedings shall be decided by a panel of 3  
4 members assigned by the chairperson prior to the hearing. If the parties have agreed  
5 to an oral decision, the member or members conducting the hearing may render an  
6 oral decision. Hearings shall be open to the public and all proceedings shall be  
7 conducted in accordance with rules of practice and procedure prescribed by the  
8 commission. ~~Small claims cases, except a commissioner hearing a summary~~  
9 ~~proceeding shall have the same discretion as a judge under s. 802.12 (2) to order the~~  
10 ~~parties to select a settlement alternative as provided in s. 802.12 (1). Summary~~  
11 ~~proceedings~~ shall be decided by one commissioner assigned by the chairperson prior  
12 to the hearing.

13 **\*-2023/1.24\* SECTION 1773.** 73.01 (4) (dn) of the statutes is amended to read:  
14 73.01 (4) (dn) In connection with the hearing of any matter required to be heard  
15 and decided by the commission, except appeals arising under s. 70.64 or ch. 76, the  
16 chairperson or any member of the commission assigned to hear the matter may, ~~with~~  
17 ~~the consent of the parties,~~ render an oral decision. In ~~small claims cases~~ summary  
18 proceedings, the presiding commissioner, ~~without consent of the parties, either~~  
19 render an oral decision at the close of the hearing or provide a written decision to all  
20 parties within 2 weeks after the hearing. Decisions in ~~small claims cases~~ summary  
21 proceedings are not precedents. Any party may appeal such oral decision as provided  
22 in s. 73.015. Oral decisions constitute notice for purposes of determining the time  
23 in which appeals may be taken. Provisions of this section or ch. 227 in conflict with  
24 this paragraph do not apply to decisions rendered under this paragraph.

**SECTION 1774**

1           **\*-2023/1.25\* SECTION 1774.** 73.01 (4) (e) (intro.) of the statutes is amended to  
2 read:

3           73.01 (4) (e) (intro.) Except as provided in par. (dn), the commission in each case  
4 heard by it shall, irrespective of ch. 227, make a decision in writing accompanied by  
5 findings of fact and conclusions of law. The commission may issue an opinion in  
6 writing in addition to its findings of fact and decision. The decision or order of the  
7 commission shall become final and shall be binding upon the petitioner and upon the  
8 department of revenue for that case unless an appeal is taken from the decision or  
9 order of the commission under s. 73.015. Except in respect to ~~small claims summary~~  
10 proceedings decisions, if the commission construes a statute adversely to the  
11 contention of the department of revenue:

12           **\*-1186/4.36\* SECTION 1775.** 73.03 (35) of the statutes is amended to read:

13           73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),  
14 (2dj), (2dL), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or  
15 (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) or (4) (am) if granting the  
16 full amount claimed would violate the a requirement under s. ~~560.797 (4) (e)~~ 560.785  
17 or would bring the total of the credits granted to that claimant under s. ~~560.797 (4)~~  
18 ~~(e), or the total of the credits granted to that claimant under~~ all of those subsections,  
19 over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

20           **\*-0424/1.7\* SECTION 1776.** 73.03 (56) of the statutes is created to read:

21           73.03 (56) To prepare and submit the report required under s. 66.46 (13).

22           **\*-2105/1.35\* SECTION 1777.** 73.0301 (1) (d) 2. of the statutes is amended to  
23 read:

1           73.0301 (1) (d) 2. A license issued by the department of health and family  
2 services under s. 48.66 (1) (a) to a child welfare agency, group home, shelter care  
3 facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).

4           \***-2030/2.2\* SECTION 1778.** 73.0305 of the statutes is amended to read:

5           **73.0305 Revenue limits calculations.** The department of revenue shall  
6 ~~annually~~ determine and certify to the state superintendent of public instruction, no  
7 later than the 4th Monday in June, the allowable rate of increase for the limit  
8 imposed under subch. VII of ch. 121 s. ~~121.91 (2m) (d)~~. For that limit, the allowable  
9 rate of increase is the percentage change in the consumer price index for all urban  
10 consumers, U.S. city average, between the preceding March 31 and the 2nd  
11 preceding March 31, as computed by the federal department of labor.

12           \***-0775/P1.1\* SECTION 1779.** 73.09 (4) (c) of the statutes is amended to read:

13           73.09 (4) (c) Recertification is contingent upon submission of ~~a notarized an~~  
14 application for renewal, ~~at least 60 days before the expiration date of the current~~  
15 certificate, attesting to the completion of the requirements specified in par. (b).  
16 Persons applying for renewal on the basis of attendance at the meetings called by the  
17 department under s. 73.06 (1) and by meeting continuing education requirements  
18 shall submit a \$20 recertification fee with their applications. The department may  
19 upon good cause, accept an application for renewal up to one year after the expiration  
20 of the current certificate if the applicant has complied with the requirements  
21 specified in par. (b).

22           \***-0764/P3.1\* SECTION 1780.** 73.13 of the statutes is created to read:

23           **73.13 Compromising nondelinquent taxes.** (1) In this section, "tax"  
24 means an amount that is owed to this state under s. 66.75 (1m) (f) 3. or ch. 71, 72,



1 76, 77, 78 or 139, that is not delinquent, and any addition to tax, interest, penalties,  
2 costs or other liability in respect to those amounts.

3 (2) Any taxpayer may petition the department of revenue to compromise the  
4 taxpayer's taxes including the costs, penalties and interest. The petition shall set  
5 forth a sworn statement of the taxpayer and shall be in a form that the department  
6 prescribes. The department may examine the petitioner under oath concerning the  
7 matter and may require the taxpayer to provide the department with financial  
8 statements and any other information requested by the department that is related  
9 to the petition. If the department finds that the taxpayer is unable to pay the taxes,  
10 costs, penalties and interest in full, the department shall determine the amount that  
11 the taxpayer is able to pay and shall enter an order reducing the taxes, costs,  
12 penalties and interest in accordance with the determination. The order shall provide  
13 that the compromise is effective only if paid within 10 days of the date on which the  
14 order is issued. The department or its collection agents, upon receipt of the order,  
15 shall accept payment in accordance with the order. Upon payment the department  
16 shall credit the unpaid portion of the principal amount of the taxes and make  
17 appropriate record of the unpaid amount of penalties, costs, and interest accrued to  
18 the date of the order. If within 3 years of the date of the compromise order the  
19 department ascertains that the taxpayer has an income or property sufficient to  
20 enable the taxpayer to pay the remainder of the tax including costs, penalties and  
21 interest, the department shall reopen the matter and order the payment in full of the  
22 taxes, costs, penalties and interest. Before the entry of the order, a written notice  
23 shall be given to the taxpayer advising of the intention of the department to reopen  
24 the matter and fixing a time and place for the appearance of the taxpayer if the  
25 taxpayer desires a hearing. Upon entry of the order the department shall make an

1 appropriate record of the principal amount of the taxes, penalties, costs and interest  
2 ordered to be paid. Such taxes shall be immediately due and payable and shall  
3 thereafter be subject to the interest provided by s. 71.82 (2), as that subsection  
4 applies to delinquent income and franchise taxes under s. 71.82, and to the  
5 delinquent account fee described in s. 73.03 (33m), and the department shall  
6 immediately proceed to collect the taxes together with the unpaid portion of  
7 penalties, costs, and interest accrued to the date of the compromise order and the fee  
8 described in s. 73.03 (33m).

9 **\*-0769/P1.1\* SECTION 1781.** 74.41 (1) (intro.) of the statutes is amended to  
10 read:

11 74.41 (1) SUBMISSION OF REFUNDED OR RESCINDED TAXES TO DEPARTMENT. (intro.)  
12 By ~~October 1~~ September 15 of each year, the clerk of a taxation district may submit  
13 to the department of revenue, on a form prescribed by the department of revenue, a  
14 listing of all general property taxes on the district's tax roll which, subject to sub. (2),  
15 meet any of the following conditions:

16 **\*-1431/2.1\* SECTION 1782.** 75.105 (3) of the statutes is amended to read:

17 75.105 (3) ADMINISTRATION. Upon the cancellation of all or a portion of real  
18 property taxes under sub. (2), the county treasurer shall execute and provide to the  
19 owner of the property a statement identifying the property for which taxes have been  
20 canceled and shall enter on the tax certificate the date upon which the taxes were  
21 canceled and the amount of taxes canceled. The county treasurer shall charge back  
22 to the taxation district that included the tax-delinquent real property on its tax roll  
23 any or all of the amount of taxes canceled and shall include the amount of taxes  
24 canceled as a special charge in the next tax levy against the taxation district.

25 **\*-1005/P4.1\* SECTION 1783.** 75.17 of the statutes is created to read:

1           **75.17 Transfer of contaminated land to a municipality.** (1) In this  
2 section:

3           (a) “Hazardous substance” has the meaning given in s. 292.01 (5).

4           (b) “Municipality” means a city, village or town.

5           **(2)** If a county does not take a tax deed for property that is subject to a tax  
6 certificate and that is contaminated by a hazardous substance, within 2 years after  
7 the expiration of the redemption period that is described under s. 75.14 (1) and  
8 specified in s. 74.57 (2) (a) and (b) (intro.), the county shall take a tax deed for such  
9 property upon receiving a written request to do so from the municipality in which the  
10 property is located. The county may then retain ownership of the property or, if the  
11 county does not wish to retain ownership of the property, the county shall transfer  
12 ownership of the property to the municipality, for no consideration, within 180 days  
13 after receiving the written request from the municipality.

14           **\*-0756/2.2\* SECTION 1784.** 76.025 (1) of the statutes is amended to read:

15           76.025 (1) The property taxable under s. 76.13 shall include all franchises, and  
16 all real and personal property of the company used or employed in the operation of  
17 its business, ~~except~~ excluding property that is exempt from the property tax under  
18 s. 70.11 (39), such motor vehicles as are exempt under s. 70.112 (5), computerized  
19 equipment exempt under s. 70.11 (40) and treatment plant and pollution abatement  
20 equipment exempt under s. 70.11 (21) (a). The taxable property shall include all title  
21 and interest of the company referred to in such property as owner, lessee or  
22 otherwise, and in case any portion of the property is jointly used by 2 or more  
23 companies, the unit assessment shall include and cover a proportionate share of that  
24 portion of the property jointly used so that the assessments of the property of all  
25 companies having any rights, title or interest of any kind or nature whatsoever in any

1 such property jointly used shall, in the aggregate, include only one total full value  
2 of such property.

3 **\*-0756/2.3\* SECTION 1785.** 76.03 (1) of the statutes is amended to read:

4 76.03 (1) The property, both real and personal, including all rights, franchises  
5 and privileges used in and necessary to the prosecution of the business ~~and including~~  
6 ~~property that is exempt from the property tax under s. 70.11 (39)~~ of any company  
7 enumerated in s. 76.02 shall be deemed personal property for the purposes of  
8 taxation, and shall be valued and assessed together as a unit.

9 **\*-0778/P1.1\* SECTION 1786.** 76.39 (2) of the statutes is amended to read:

10 76.39 (2) There is levied annually a gross earnings tax in lieu of all property  
11 taxes on the car line equipment of a car line company equal to ~~3%~~ 2.5% of the gross  
12 earnings in this state. Every railroad company operating in this state shall, upon  
13 making payment to each car line company for use of its cars, withhold ~~3%~~ 2.5% of the  
14 amount constituting the gross earnings in this state of such car line company.

15 **\*-0756/2.4\* SECTION 1787.** 76.81 of the statutes is amended to read:

16 **76.81 Imposition.** There is imposed a tax on the real property of, and the  
17 tangible personal property of, every telephone company, excluding property that is  
18 exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt  
19 under s. 70.112 (5) ~~and~~, treatment plant and pollution abatement equipment that is  
20 exempt under s. 70.11 (21) (a) and computerized equipment that is exempt under s.  
21 70.11 (40). Except as provided in s. 76.815, the rate for the tax imposed on each  
22 description of real property and on each item of tangible personal property is the net  
23 rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the  
24 description or item is located.

25 **\*-0623/1.1\* SECTION 1788.** 77.25 (21) of the statutes is created to read:

1        77.25 (21) Of a time-share property, as defined in s. 707.02 (32).

2        **\*-0623/1.2\* SECTION 1789.** 77.255 of the statutes is amended to read:

3        **77.255 Exemptions from return.** No return is required with respect to  
4 conveyances exempt under s. 77.25 (1), (2r), (4) ~~or~~, (11) or (21) from the fee imposed  
5 under s. 77.22. No return is required with respect to conveyances exempt under s.  
6 77.25 (2) unless the transferor is also a lender for the transaction.

7        **\*-0623/1.3\* SECTION 1790.** 77.51 (4) (c) 6. of the statutes is amended to read:

8        77.51 (4) (c) 6. Charges associated with time-share property that is taxable,  
9 or that at the time of the charges would be taxable, under s. 77.52 (2) (a) 1. or 2.

10       **\*-0623/1.4\* SECTION 1791.** 77.52 (2) (a) 1. of the statutes is amended to read:

11       77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,  
12 motel operators and other persons furnishing accommodations that are available to  
13 the public, irrespective of whether membership is required for use of the  
14 accommodations, including the furnishing of rooms or lodging through the sale of a  
15 all time-share property, as including that defined in s. 707.02 (32), ~~if the use of the~~  
16 ~~rooms or lodging is not fixed at the time of sale as to the starting day or the lodging~~  
17 ~~unit.~~ In this subdivision, “transient” means any person residing for a continuous  
18 period of less than one month in a hotel, motel or other furnished accommodations  
19 available to the public. In this subdivision, “hotel” or “motel” means a building or  
20 group of buildings in which the public may obtain accommodations for a  
21 consideration, including, without limitation, such establishments as inns, motels,  
22 tourist homes, tourist houses or courts, lodging houses, rooming houses, summer  
23 camps, apartment hotels, resort lodges and cabins and any other building or group  
24 of buildings in which accommodations are available to the public, except  
25 accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for

1 a continuous period of more than one month and accommodations furnished by any  
2 hospitals, sanatoriums, or nursing homes, or by corporations or associations  
3 organized and operated exclusively for religious, charitable or educational purposes  
4 provided that no part of the net earnings of such corporations and associations inures  
5 to the benefit of any private shareholder or individual. In this subdivision, "one  
6 month" means a calendar month or 30 days, whichever is less, counting the first day  
7 of the rental and not counting the last day of the rental.

8 \*~~0622/P2.1~~ SECTION 1792. 77.60 (2) (intro.) of the statutes is amended to  
9 read:

10 77.60 (2) (intro.) Delinquent sales and use tax returns shall be subject to a ~~\$10~~  
11 \$30 late filing fee unless the return was not timely filed because of the death of the  
12 person required to file or unless the return was not timely filed ~~because of a~~  
13 ~~reasonable~~ due to good cause and not ~~because of~~ due to neglect. The fee shall not  
14 apply if the department has failed to issue a seller's permit or a use tax registration  
15 within 30 days of the receipt of an application for a seller's permit or use tax  
16 registration accompanied by the fee established under s. 73.03 (50), if the person does  
17 not hold a valid certificate under s. 73.03 (50), and the security required under s.  
18 77.61 (2) has not been placed with the department. Delinquent sales and use taxes  
19 shall bear interest at the rate of 1.5% per month until paid. The taxes imposed by  
20 this subchapter shall become delinquent if not paid:

21 \*~~1672/3.2~~ SECTION 1793. 77.76 (3) of the statutes is amended to read:

22 77.76 (3) From the appropriation under s. 20.835 (4) (g) the department shall  
23 distribute ~~98.5%~~ 98.25% of the county taxes reported for each enacting county, minus  
24 the county portion of the retailers' discounts, to the county and shall indicate the  
25 taxes reported by each taxpayer, no later than the end of the 3rd month following the

1 end of the calendar quarter in which such amounts were reported. In this subsection,  
2 the “county portion of the retailers’ discount” is the amount determined by  
3 multiplying the total retailers’ discount by a fraction the numerator of which is the  
4 gross county sales and use taxes payable and the denominator of which is the sum  
5 of the gross state and county sales and use taxes payable. The county taxes  
6 distributed shall be increased or decreased to reflect subsequent refunds, audit  
7 adjustments and all other adjustments of the county taxes previously distributed.  
8 Interest paid on refunds of county sales and use taxes shall be paid from the  
9 appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1)  
10 (a). The county may retain the amount it receives or it may distribute all or a portion  
11 of the amount it receives to the towns, villages, cities and school districts in the  
12 county. Any county receiving a report under this subsection is subject to the duties  
13 of confidentiality to which the department of revenue is subject under s. 77.61 (5).

14 **\*-1672/3.3\* SECTION 1794.** 77.76 (4) of the statutes is amended to read:

15 77.76 (4) There shall be retained by the state 1.5% of the taxes collected ~~under~~  
16 this subchapter for taxes imposed by special districts under s. 77.705 and 1.75% of  
17 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs  
18 incurred by the state in administering, enforcing and collecting the tax. All interest  
19 and penalties collected shall be deposited and retained by this state in the general  
20 fund.

21 **\*-1490/2.1\* SECTION 1795.** 77.996 (2) (i) of the statutes is created to read:

22 77.996 (2) (i) Formal wear rental firms.

23 **\*-1585/P2.4\* SECTION 1796.** 84.106 of the statutes is created to read:

24 **84.106 Scenic byways program.** (1) DESIGNATION. The department shall  
25 develop, implement and administer a program to designate highways, as defined in

1 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,  
2 historic, cultural, natural, recreational or archeological qualities as scenic byways.  
3 The department may seek designation by the federal government of a highway  
4 designated as a scenic byway under this section as a national scenic byway or as an  
5 All-American Road.

6 (2) RULES. The department shall promulgate rules under this section  
7 consistent with 23 USC 162 and regulations established under that section.

8 \*-0305/P2.1\* SECTION 1797. 84.30 (2m) of the statutes is created to read:

9 84.30 (2m) CONDITIONAL USES AND SPECIAL EXCEPTIONS NOT CONSIDERED. No uses  
10 of real property that are authorized by special zoning permission, including uses by  
11 conditional use, special exception, zoning variance or conditional permit, may be  
12 considered when determining whether the area is a business area.

13 \*-1024/P1.1\* SECTION 1798. 84.30 (3) (c) (intro.) of the statutes is amended to  
14 read:

15 84.30 (3) (c) (intro.) Signs advertising activities conducted on the property on  
16 which they are located if such on-property signs comply with applicable federal law  
17 and the June 1961 agreement between the department and the federal highway  
18 administrator relative to control of advertising adjacent to interstate highways.  
19 ~~Additionally, any such sign located outside the incorporated area of a city or village~~  
20 ~~shall comply with the following criteria~~ No on-property sign may be erected in a  
21 location where it constitutes a traffic hazard. If the department issues permits for  
22 outdoor advertising signs, the department is not required to issue permits for  
23 on-property signs that conform to the requirements of this paragraph. On-property  
24 signs may be illuminated, subject to the following restrictions:



1           **\*-1024/P1.2\* SECTION 1799.** 84.30 (3) (c) 1. to 3. of the statutes are repealed  
2 and recreated to read:

3           84.30 (3) (c) 1. Signs which contain, include or are illuminated by any flashing,  
4 intermittent or moving light or lights are prohibited, except electronic signs  
5 permitted by rule of the department.

6           2. Signs which are not effectively shielded as to prevent beams or rays of light  
7 from being directed at any portion of the traveled ways of the interstate or  
8 federal-aid primary highway and which are of such intensity or brilliance as to cause  
9 glare or to impair the vision of the driver of any motor vehicle, or which otherwise  
10 interfere with any driver's operation of a motor vehicle, are prohibited.

11           3. No sign may be so illuminated that it interferes with the effectiveness of or  
12 obscures an official traffic sign, device or signal.

13           **\*-1024/P1.3\* SECTION 1800.** 84.30 (3) (c) 5. of the statutes is repealed.

14           **\*-1432/7.47\* SECTION 1801.** 84.59 (2) of the statutes is amended to read:

15           84.59 (2) The department may, under s. ~~18.56~~ 18.561 (5) and (9) (j) or 18.562  
16 (3) and (5) (e), deposit in a separate and distinct fund outside the state treasury, in  
17 an account maintained by a trustee, revenues derived under s. 341.25. The revenues  
18 deposited are the trustee's revenues in accordance with the agreement between this  
19 state and the trustee or in accordance with the resolution pledging the revenues to  
20 the repayment of revenue obligations issued under this section.

21           **\*-1014/2.1\* SECTION 1802.** 84.59 (6) of the statutes is amended to read:

22           84.59 (6) ~~Revenue obligations may be contracted by the~~ The building  
23 commission may contract revenue obligations when it reasonably appears to the  
24 building commission that all obligations incurred under this section can be fully paid  
25 from moneys received or anticipated and pledged to be received on a timely basis.

1     Revenue Except as provided in this subsection, the principal amount of revenue  
2     obligations issued under this section ~~shall~~ may not exceed ~~\$1,348,058,900 in~~  
3     ~~principal amount, excluding obligations issued to refund outstanding revenue~~  
4     ~~obligations. Not more than \$1,255,499,900 of the \$1,348,058,900 may~~  
5     \$1,435,165,900 and may be used for transportation facilities under s. 84.01 (28) and  
6     major highway projects under ss. 84.06 and 84.09. In addition to the foregoing limit  
7     on principal amount, the building commission may contract revenue obligations  
8     under this section as the building commission determines is desirable to refund  
9     outstanding revenue obligations contracted under this section and to pay expenses  
10    associated with revenue obligations contracted under this section.

11           \*~~-1454/1.1~~\* **SECTION 1803.** 85.02 of the statutes is renumbered 85.02 (1).

12           \*~~-1454/1.2~~\* **SECTION 1804.** 85.02 (2) of the statutes is created to read:

13           85.02 (2) The department may assist or coordinate highway corridor land use  
14     planning that identifies future land uses, use densities and site layouts that are  
15     appropriate to land adjacent to a highway and that maintain the safety and function  
16     of the highway. The department may assist or coordinate information activities  
17     related to highway project development.

18           \*~~-1454/1.3~~\* **SECTION 1805.** 85.022 (1) (n) of the statutes is created to read:

19           85.022 (1) (n) Land use issues relating to transportation.

20           \*~~-1016/P1.1~~\* **SECTION 1806.** 85.024 (2) of the statutes is amended to read:

21           85.024 (2) The department shall administer a bicycle and pedestrian facilities  
22     program to award grants of assistance to political subdivisions for the planning,  
23     development or construction of bicycle and pedestrian facilities. ~~Annually, the~~ The  
24     department shall award from the appropriation under s. 20.395 (2) (nx) grants to  
25     political subdivisions under this section. A political subdivision that is awarded a

**SECTION 1806**

1 grant under this section shall contribute matching funds equal to at least 25% of the  
2 amount awarded under this section. ~~The department shall select grant recipients~~  
3 ~~annually beginning in 1994 from applications submitted to the department on or~~  
4 ~~before April 1 of each year.~~

5 **\*-1887/P1.1\* SECTION 1807.** 85.08 (4m) (h) of the statutes is created to read:

6 85.08 (4m) (h) *Interest rate.* The department, by rule, shall establish the rate  
7 of interest applicable to loans under this subsection.

8 **\*-0169/P3.3\* SECTION 1808.** 85.12 (3) of the statutes is created to read:

9 85.12 (3) The department may contract with any local governmental unit, as  
10 defined in s. 16.97 (7), to provide that local governmental unit with services under  
11 this section.

12 **\*-1615/1.1\* SECTION 1809.** 85.135 of the statutes is created to read:

13 **85.135 Fees for certain court orders suspending or revoking an**  
14 **operating privilege.** The department shall, by rule, develop and implement a  
15 system for charging circuit courts and municipal courts for each order of the court  
16 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),  
17 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a  
18 forfeiture imposed for violating an ordinance that is unrelated to the violator's  
19 operation of a motor vehicle. The amount of the fee may not exceed the cost of  
20 processing the order. The department may not process an order of a court suspending  
21 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
22 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required  
23 under this section, if any, to the department.

24 **\*-0887/1.2\* SECTION 1810.** 85.20 (1) (g) of the statutes is amended to read:

1           85.20 (1) (g) "Operating expenses" mean costs accruing to an urban mass  
2 transit system by virtue of its operations, including costs to subsidize fares paid by  
3 disabled persons for transportation within the urban area of the eligible applicant,  
4 and maintenance. For a publicly owned system, operating expenses do not include  
5 profit, return on investment or depreciation as costs. If a local public body contracts  
6 for the services of a privately owned system on the basis of competitive bids,  
7 operating expenses may include as costs depreciation on the facilities and equipment  
8 that the privately owned system acquired without benefit of public financial  
9 assistance, profit and return on investment. If a local public body contracts for the  
10 services of a privately owned system on the basis of negotiated procurement,  
11 operating expenses may include as costs depreciation on the facilities and equipment  
12 that the privately owned system acquired without benefit of public financial  
13 assistance. In an urban area which is served exclusively by shared-ride taxicab  
14 systems, operating expenses may include costs to subsidize reasonable fares paid by  
15 all users for transportation within the urban area of the eligible applicant.

16           \***-0887/1.3\* SECTION 1811.** 85.20 (3) (cr) of the statutes is amended to read:

17           85.20 (3) (cr) To conduct a management performance audit of all urban mass  
18 transit systems participating in the program at least once every 5 years. If a  
19 management performance audit is required of all urban mass transit systems  
20 participating in the program, an eligible applicant served exclusively by a  
21 shared-ride taxicab system may be exempted from an audit if the eligible applicant  
22 voluntarily complies with s. 85.20 (4m) (b).

23           \***-0887/1.4\* SECTION 1812.** 85.20 (4m) (a) (intro.) of the statutes is amended  
24 to read:

## SECTION 1812

1           85.20 (4m) (a) (intro.) ~~An amount shall be allocated~~ Except as provided in s.  
2           85.20 (4m) (b) 2., the department shall allocate to each eligible applicant to ensure  
3           ~~that the sum of state and federal aids for the projected operating expenses of each~~  
4           ~~eligible applicant's urban mass transit system is an amount~~ equal to a uniform  
5           percentage, established by the department, of the projected operating expenses of  
6           the each eligible applicant's urban mass transit system for the calendar year. The  
7           department shall make allocations as follows:

8           \*~~-0887/1.5~~\* SECTION 1813. 85.20 (4m) (a) 1., 2., 3., 4. and 5. of the statutes are  
9           repealed.

10          \*~~-0887/1.6~~\* SECTION 1814. 85.20 (4m) (a) 6. b. of the statutes is amended to  
11          read:

12          85.20 (4m) (a) 6. b. For the purpose of making allocations under subd. 6. a., the  
13          amounts for aids are ~~\$60,984,900 in calendar year 1998 and \$63,119,300 in calendar~~  
14          year 1999 and \$65,012,900 in calendar year 2000 and thereafter. These amounts,  
15          to the extent practicable, shall be used to determine the uniform percentage in the  
16          particular calendar year.

17          \*~~-0887/1.7~~\* SECTION 1815. 85.20 (4m) (a) 6. c. of the statutes is created to read:

18          85.20 (4m) (a) 6. c. The sum of state aids allocated under this section and  
19          federal mass transit aids provided for the projected operating expenses of an urban  
20          mass transit system that has annual operating expenses in excess of \$20,000,000  
21          may not exceed 50% of the sum of the projected operating expenses of the urban mass  
22          transit system. Only federal mass transit aid that the federal government provides  
23          directly to the eligible applicant or to the urbanized area served by the mass transit  
24          system or that the department allocates under this section may be counted under  
25          this subd. 6. c.

1           **\*-0887/1.8\* SECTION 1816.** 85.20 (4m) (a) 7. a. of the statutes is amended to  
2 read:

3           85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform  
4 percentage for each eligible applicant served by an urban mass transit system  
5 operating within an urban area having a population as shown in the 1990 federal  
6 decennial census of at least 50,000 or receiving federal mass transit aid for such area,  
7 and not specified in subd. 6. This subd. 7. a. does not apply after December 31, 1999.

8           **\*-0887/1.9\* SECTION 1817.** 85.20 (4m) (a) 7. b. of the statutes is amended to  
9 read:

10           85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the  
11 amounts for aids are \$17,799,600 in calendar year 1998 and \$18,422,500 in calendar  
12 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to  
13 determine the uniform percentage in the particular calendar year.

14           **\*-0887/1.10\* SECTION 1818.** 85.20 (4m) (a) 7m. of the statutes is created to  
15 read:

16           85.20 (4m) (a) 7m. a. Beginning on January 1, 2000, from the appropriation  
17 under s. 20.395 (1) (hr), the uniform percentage determined by the department for  
18 each eligible applicant not described in subd. 6. In allocating state aid under this  
19 subdivision, the department shall determine the amount of federal aid available for  
20 operating expenses. If the department determines that federal aid is available for  
21 an eligible applicant's operating expenses, the department may require the eligible  
22 applicant to accept that federal aid as a condition of receiving state aid under this  
23 section.

24           b. Except as provided in subd. 7m. c., for the purpose of making allocations  
25 under subd. 7m. a., the amounts for aids are \$24,100,400 in calendar year 2000 and

1 thereafter. These amounts, to the extent practicable, shall be used to determine the  
2 uniform percentage in the particular calendar year. Except as provided in subd. 7m.  
3 c., the sum of state aid and federal aid allocated under this section to an eligible  
4 applicant may not exceed 65% of an eligible applicant's projected operating expenses.

5 c. For an eligible applicant served by a mass transit system operating within  
6 an urbanized area that has a population, as shown in the 1990 federal decennial  
7 census, of 50,000 or more or that is eligible for only federal mass transit aid for such  
8 areas, the sum of state aid and federal aid allocated under this section for calendar  
9 years 2000 and 2001 may not exceed 60% of the projected operating expenses. For  
10 an eligible applicant served by a mass transit system that operates both partly  
11 within an urbanized area that has a population of 50,000 or more, as shown in the  
12 1990 federal decennial census, or that is eligible for federal mass transit aid for  
13 urbanized areas having that population and that operates partly in areas other than  
14 urbanized areas and is eligible for federal mass transit aid for providing service to  
15 those other areas, the sum of state aid and federal aid allocated under this section  
16 for the portion of the projected operating expenses of the eligible applicant's mass  
17 transit system associated with service within an urbanized area or eligible for  
18 federal mass transit aid for service within urbanized areas may not exceed 60% of  
19 the projected operating expenses of that service for calendar years 2000 and 2001.  
20 This subd. 7m. c. does not apply after December 31, 2001.

21 **\*-0887/1.11\* SECTION 1819.** 85.20 (4m) (a) 8. a. of the statutes is amended to  
22 read:

23 85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform  
24 percentage for each eligible applicant served by an urban mass transit system  
25 operating within an area having a population as shown in the 1990 federal decennial

1 census of less than 50,000 or receiving federal mass transit aid for such area. This  
2 subd. 8. a. does not apply after December 31, 1999.

3 \***-0887/1.12\* SECTION 1820.** 85.20 (4m) (a) 8. b. of the statutes is amended to  
4 read:

5 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
6 amounts for aids are \$4,807,600 in calendar year 1998 and \$4,975,900 in calendar  
7 year 1999 ~~and thereafter~~. These amounts, to the extent practicable, shall be used to  
8 determine the uniform percentage in the particular calendar year.

9 \***-0887/1.13\* SECTION 1821.** 85.20 (4m) (b) 1. of the statutes is amended to  
10 read:

11 85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall  
12 provide a local contribution, exclusive of user fees, toward operating expenses in an  
13 amount equal to at least ~~20% of state aid allocations to that eligible applicant under~~  
14 ~~this section~~ 10% of the eligible applicant's operating expenses.

15 \***-0887/1.14\* SECTION 1822.** 85.20 (4m) (b) 2. of the statutes is amended to  
16 read:

17 85.20 (4m) (b) 2. ~~Subdivision 1. does not apply to an~~ Except as provided in this  
18 subdivision, an eligible applicant that is served exclusively by a shared-ride taxicab  
19 system is not required to meet the requirements of subd. 1. For calendar year 2000,  
20 the department may not increase the amount of state aid allocated under this section  
21 to an eligible applicant that is served exclusively by a shared-ride taxicab system  
22 beyond the amount allocated to that eligible applicant for calendar year 1999, unless  
23 the eligible applicant provides a local contribution, exclusive of user fees, toward  
24 operating expenses in an amount equal to at least 5% of the eligible applicant's  
25 operating expenses. Beginning with calendar year 2001, the department may not



1 increase the amount of state aid allocated under this section to an eligible applicant  
2 that is served exclusively by a shared-ride taxicab system beyond the amount  
3 allocated to that eligible applicant during the preceding calendar year, unless the  
4 eligible applicant complies with the requirements of subd. 1. This subdivision does  
5 not prohibit the department from allocating aid under this section to an eligible  
6 applicant served exclusively by a shared-ride taxicab system in its first year of  
7 service.

8       \*~~0887/1.15~~\* **SECTION 1823.** 85.20 (4m) (em) 3. of the statutes is amended to  
9 read:

10       85.20 (4m) (em) 3. Five times the amount of an eligible applicant's required  
11 local contribution under par. (b) 1. This subdivision does not apply after December  
12 31, 1999.

13       \*~~0887/1.16~~\* **SECTION 1824.** 85.20 (6) (c) of the statutes is created to read:

14       85.20 (6) (c) Disclose to the department the amount of federal aid over which  
15 the eligible applicant has spending discretion and that the eligible applicant intends  
16 to apply towards operating expenses for a calendar year.

17       \*~~0887/1.17~~\* **SECTION 1825.** 85.20 (6) (d) of the statutes is created to read:

18       85.20 (6) (d) Accept federal aid, if directed by the department to accept that aid.  
19 This paragraph applies only to eligible applicants described in sub. (4m) (a) 7m.

20       \*~~0886/P1.1~~\* **SECTION 1826.** 85.22 (2) (am) (intro.) of the statutes is amended  
21 to read:

22       85.22 (2) (am) (intro.) "Eligible applicant" means any applicant that meets  
23 eligibility requirements for federal assistance under 49 USC Appendix 1612 (b) (2)  
24 and is one of the following:

1           **\*-0886/P1.2\* SECTION 1827.** 85.22 (4) of the statutes is renumbered 85.22 (4)  
2 (a) (intro.) and amended to read:

3           85.22 (4) (a) (intro.) Commencing with the highest ranked application and to  
4 the extent that state moneys are available, the department shall offer to each eligible  
5 applicant an amount of state aid such that the sum of federal and state aid received  
6 by an applicant does not exceed 80% any of the following:

7           1. The percentage, specified by the department by rule, of the estimated capital  
8 project costs.

9           (b) State aids available under this section shall not be available for operating  
10 purposes.

11           **\*-0886/P1.3\* SECTION 1828.** 85.22 (4) (a) 2. of the statutes is created to read:  
12           85.22 (4) (a) 2. For the specific type or category of capital equipment for which  
13 aid is paid, the percentage of the estimated capital costs that are eligible for federal  
14 aid.

15           **\*-1055/P2.2\* SECTION 1829.** 85.50 of the statutes is repealed.

16           **\*-0120/P2.1\* SECTION 1830.** 85.515 of the statutes, as created by 1997  
17 Wisconsin Act 84, is amended to read:

18           **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary  
19 determines that the changes to the department's computerized information systems  
20 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000  
21 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
22 that states the date on which the changes to the department's computerized  
23 information system will begin operating, and that the clearly states which portion  
24 of revisions to the operator's license suspension and revocation law made by 1997  
25 Wisconsin Act 84 will become effective on that date.

## SECTION 1831

1           **\*-1432/7.48\* SECTION 1831.** 85.52 (5) (c) of the statutes is amended to read:

2           85.52 (5) (c) The department of administration may, under s. ~~18.56~~ 18.561 (5)  
3           and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state  
4           treasury or in an account maintained by a trustee outside the state treasury, any  
5           portion of the revenues derived under s. 25.405 (2). The revenues deposited with a  
6           trustee outside the state treasury are the trustee's revenues in accordance with the  
7           agreement between this state and the trustee or in accordance with the resolution  
8           pledging the revenues to the repayment of revenue obligations issued under this  
9           subsection.

10          **\*-0881/P2.1\* SECTION 1832.** 86.30 (2) (a) 1. of the statutes is amended to read:

11          86.30 (2) (a) 1. Except as provided in pars. (b), (d) and (dm) and s. 86.303, the  
12          amount of transportation aids payable by the department to each county shall be the  
13          aids amount calculated under subd. 2. and to each municipality shall be the aids  
14          amount calculated under subd. 2. or 3., whichever is greater. If the amounts  
15          calculated for a municipality under subd. 2. or 3. are the same, transportation aids  
16          to that municipality shall be paid under subd. 2.

      \*\*\*\*NOTE: Do you really want the amounts to be the same? Or do you want aids  
      payable under subd. 2. if the amounts calculated under subd. 2. or 3. are within a specified  
      range, say \$100? It seems unlikely that the amounts calculated will ever be the same.

17          **\*-0881/P2.2\* SECTION 1833.** 86.30 (2) (a) 3. f. of the statutes is repealed.

18          **\*-0881/P2.3\* SECTION 1834.** 86.30 (2) (a) 3. g. of the statutes is amended to  
19          read:

20          86.30 (2) (a) 3. g. In calendar year ~~years~~ 1998 and ~~thereafter~~ 1999, \$1,596.

21          **\*-0881/P2.4\* SECTION 1835.** 86.30 (2) (a) 3. h. of the statutes is created to read:

22          86.30 (2) (a) 3. h. In calendar year 2000 and thereafter, \$1,644.

23          **\*-0883/P1.1\* SECTION 1836.** 86.30 (2) (b) 1. of the statutes is amended to read:

1           86.30 (2) (b) 1. Except as provided under par. (d) and s. 86.303 (5), no  
2           municipality whose aid is determined under par. (a) 2. may receive an increase in its  
3           annual transportation aid payment in excess of 15% of its last previous calendar year  
4           aid payment or a decrease in its annual transportation aid payment in excess of 5%  
5           2% of its last previous calendar year transportation aid payment.

6           **\*-0883/P1.2\* SECTION 1837.** 86.30 (2) (b) 1g. of the statutes is amended to read:

7           86.30 (2) (b) 1g. Except as provided under par. (d) and s. 86.303 (5), no  
8           municipality whose aid is determined under par. (a) 3. may receive a decrease in its  
9           annual transportation aid payment in excess of ~~5%~~ 2% of its last previous calendar  
10          year transportation aid payment.

11          **\*-0881/P2.5\* SECTION 1838.** 86.30 (9) (b) of the statutes is amended to read:

12          86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),  
13          the amounts for aids to counties are ~~\$70,644,200 in calendar year 1997 and~~  
14          \$78,744,300 in calendar year years 1998 and 1999 and \$81,106,600 in calendar year  
15          2000 and thereafter. These amounts, to the extent practicable, shall be used to  
16          determine the statewide county average cost-sharing percentage in the particular  
17          calendar year.

18          **\*-0881/P2.6\* SECTION 1839.** 86.30 (9) (c) of the statutes is amended to read:

19          86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),  
20          the amounts for aids to municipalities are ~~\$222,255,300 in calendar year 1997 and~~  
21          \$247,739,100 in calendar year years 1998 and 1999 and \$254,784,900 in calendar  
22          year 2000 and thereafter. These amounts, to the extent practicable, shall be used to  
23          determine the statewide municipal average cost-sharing percentage in the  
24          particular calendar year.

**SECTION 1840**

1           \*~~-0884/1.1~~\* **SECTION 1840.** 86.302 (title) of the statutes is repealed and  
2 recreated to read:

3           **86.302 (title) Local roads; inventory and assessment.**

4           \*~~-0884/1.2~~\* **SECTION 1841.** 86.302 (1) of the statutes is renumbered 86.302 (1g)  
5 and amended to read:

6           86.302 (1g) Except as provided in sub. (1m), beginning on January 1, 2001, the  
7 board of every town, village and county, and the governing body of every city, shall  
8 file with the department ~~and with the county clerk~~ not later than December 15 of  
9 every ~~odd-numbered~~ year, a certified plat of ~~such town, village, city~~ the municipality  
10 or county showing the ~~roads and streets~~ highways under ~~their~~ its jurisdiction and the  
11 mileage thereof to be open and used for travel as of the succeeding January 1, ~~which~~  
12 ~~may be used by the.~~ The department may use the plats in making computations of  
13 transportation aids. One-half of the mileage of ~~roads or streets~~ highways on  
14 boundary lines shall be considered as lying in each ~~town, village, city~~ municipality  
15 or county.

16           \*~~-0884/1.3~~\* **SECTION 1842.** 86.302 (1d) of the statutes is created to read:

17           86.302 (1d) (a) "Highway" has the meaning given in s. 340.01 (22).

18           (b) "Municipality" means a city, village or town.

19           \*~~-0884/1.4~~\* **SECTION 1843.** 86.302 (1m) (a) of the statutes is renumbered  
20 86.302 (1m) (a) 1. and amended to read:

21           86.302 (1m) (a) 1. ~~The board of a town, village or county and the governing body~~  
22 ~~of a city need not file a certified plat under sub. (1) if the town, village,~~ In lieu of filing  
23 a certified plat under sub. (1g), if a municipality or county or city has not added or  
24 deleted jurisdictional mileage since filing its last preceding certified plat under sub.

1     ~~(1)~~ (1g), its board or governing body may file a certified statement to that effect with  
2     the department.

3           \*~~-0884/1.5~~\* **SECTION 1844.** 86.302 (1m) (a) 2. of the statutes is created to read:

4           86.302 (1m) (a) 2. Notwithstanding subd. 1., the department may require every  
5     municipality and county to file a certified plat under sub. (1g) with the department  
6     in the year after the year in which a federal decennial census is conducted.

7           \*~~-0884/1.6~~\* **SECTION 1845.** 86.302 (1m) (b) of the statutes is amended to read:

8           86.302 (1m) (b) Upon incorporation of a village or city, the board of the village  
9     and the governing body of the city shall file with the department ~~and with the county~~  
10    ~~clerk~~ a certified plat of the village or city showing the ~~roads and streets~~ highways  
11    under its jurisdiction and the mileage thereof to be open and used for travel as of the  
12    date of incorporation, which may be used by the department in making computations  
13    of transportation aids. One-half of the mileage of ~~roads or streets~~ highways on  
14    boundary lines shall be considered as lying in the village or city.

15          \*~~-0884/1.7~~\* **SECTION 1846.** 86.302 (2) of the statutes is amended to read:

16          86.302 (2) Not later than December 15, 2001, and biennially thereafter, each  
17    municipality and county shall assess the physical condition of highways under its  
18    jurisdiction, using a pavement rating system approved by the department and report  
19    the results of that assessment to the department. The department shall assess the  
20    accuracy of mileage or other data concerning highways reported by municipalities  
21    and counties and may use field investigations to verify a portion of the data  
22    constituting a valid random sample or such specialized sample as the department  
23    considers appropriate. The department shall cooperate with and provide assistance  
24    to local units of government in their jurisdictional mileage determination efforts.  
25    ~~The department shall inventory and verify all road mileage in a county or~~

1 ~~municipality once every 10 years~~ under this subsection. Information collected under  
2 this subsection is inadmissible as evidence, except to show compliance with this  
3 subsection.

4 **\*-0884/1.8\* SECTION 1847.** 86.302 (3) of the statutes is amended to read:

5 86.302 (3) For the purposes of transportation aid determinations under s.  
6 86.30, the department shall use changes in the ~~read~~ highway mileage of a ~~city,~~  
7 municipality or county, town or village indicated on the certified plat filed under sub.  
8 ~~(1) shall be used by the department (1g)~~ in making computations of transportation  
9 aids to be paid beginning in the ~~next odd-numbered~~ year following the  
10 ~~odd-numbered~~ year in which the certified plat is filed. The department shall  
11 consider the following factors shall be considered by the department:

12 (a) New ~~roads~~ highways.

13 (b) Abandoned ~~roads~~ highways.

14 (c) Changes in jurisdictional mileage responsibilities for existing ~~roads~~  
15 highways.

16 **\*-0884/1.9\* SECTION 1848.** 86.303 (4) (b) of the statutes is amended to read:

17 86.303 (4) (b) In the case of municipalities formed within the previous 6 years,  
18 the information needed for the determinations under this section shall be calculated  
19 as follows: for those years for which the necessary data does not exist, the data for  
20 the new municipality and the municipality from which it was formed shall be  
21 combined and the sum shall be apportioned to each municipality in proportion to the  
22 total mileage of ~~roads and streets~~ highways under their respective jurisdictions. In  
23 making these calculations, the department shall use the certified plats filed under  
24 s. 86.302 ~~(1)~~ (1g).

1           **\*-0882/1.1\* SECTION 1849.** 86.303 (6) (c) (intro.) of the statutes is amended to  
2 read:

3           86.303 (6) (c) (intro.) The following other costs to the extent ~~to which~~ they are  
4 highway related are reportable:

5           **\*-0882/1.2\* SECTION 1850.** 86.303 (6) (c) 4. of the statutes is amended to read:  
6 86.303 (6) (c) 4. ~~Traffic police and street~~ Street lighting costs.

7           **\*-0882/1.3\* SECTION 1851.** 86.303 (6) (cm) of the statutes is created to read:  
8 86.303 (6) (cm) Some portion of law enforcement costs determined by the  
9 department, in consultation with the representatives appointed under sub. (5) (am),  
10 may be reported as eligible cost items. The department may establish different  
11 portions under this paragraph for different classes of counties or municipalities.

12           **\*-1065/2.3\* SECTION 1852.** 87.30 (1) (d) of the statutes is created to read:  
13 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects  
14 an activity that meets all of the requirements under s. 281.165 (1) to (5), the  
15 department may not proceed under this subsection, or otherwise review the  
16 amendment, to determine whether the ordinance, as amended, is insufficient.

17           **\*-2070/1.2\* SECTION 1853.** 88.15 of the statutes is created to read:

18           **88.15 Drainage board grants.** (1) From the appropriation under s. 20.115  
19 (7) (d), the department of agriculture, trade and consumer protection shall make  
20 grants to boards to assist boards to comply with this chapter and rules promulgated  
21 under this chapter. A grant under this section may not exceed 60% of the costs  
22 incurred by the board to comply with this chapter and rules promulgated under this  
23 chapter.

24           (2) The department of agriculture, trade and consumer protection shall  
25 promulgate rules for the administration of the program under this section.



1           **\*-1785/P3.30\* SECTION 1854.** 91.01 (8) of the statutes is amended to read:

2           91.01 (8) "Local governing body having jurisdiction" means the city council,  
3           village board or town board if that body has adopted ~~a certified~~ an ordinance under  
4           subch. V that is certified under s. 91.06, 1997 stats.; or the county board where such  
5           a city, village or town zoning ordinance is not in effect.

6           **\*-1785/P3.31\* SECTION 1855.** 91.04 of the statutes is created to read:

7           **91.04 Acquisition of development rights agreements.** The department  
8           shall maintain a list of nonprofit entities with which the department has entered into  
9           agreements under s. 71.605 (3). The department shall make the list available to  
10          owners who are interested in transferring their development rights and to the  
11          department of revenue.

12          **\*-1785/P3.32\* SECTION 1856.** 91.06 of the statutes is repealed.

13          **\*-1785/P3.33\* SECTION 1857.** 91.11 (1) (a) of the statutes is amended to read:

14          91.11 (1) (a) The county in which the land is located has ~~a certified in effect an~~  
15          agricultural preservation plan ~~in effect~~ certified under s. 91.06, 1997 stats.; or

16          **\*-1785/P3.34\* SECTION 1858.** 91.11 (1) (b) of the statutes is amended to read:

17          91.11 (1) (b) The land is in an area zoned for exclusive agricultural use under  
18          an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats.

19          **\*-1785/P3.35\* SECTION 1859.** 91.11 (2) of the statutes is amended to read:

20          91.11 (2) An owner of land located in a county with a population density of less  
21          than 100 persons per square mile which has adopted ~~a certified~~ an exclusive  
22          agricultural use zoning ordinance certified under s. 91.06, 1997 stats., may apply  
23          under this subchapter even if the town in which the land is located has not approved  
24          the ordinance.

25          **\*-1785/P3.36\* SECTION 1860.** 91.11 (3) of the statutes is amended to read:

1           91.11 (3) In any county with a population density of 100 or more persons per  
2 square mile, an owner may apply for a farmland preservation agreement under this  
3 subchapter only if the county in which the land is located has ~~a certified~~ an exclusive  
4 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, and  
5 the town in which the land is located has approved the ordinance.

6           **\*-1785/P3.37\* SECTION 1861.** 91.11 (4) of the statutes is amended to read:

7           91.11 (4) In any city, town or village that has adopted ~~a certified~~ an exclusive  
8 agricultural use zoning ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~, or  
9 in any town that has approved ~~a certified~~ an exclusive agricultural use zoning  
10 ordinance adopted by the county and certified under ~~subch. V s. 91.06, 1997 stats.~~,  
11 an owner may apply for a farmland preservation agreement only if the land is in an  
12 area zoned for exclusive agricultural use.

13           **\*-1785/P3.38\* SECTION 1862.** 91.13 (4) (a) of the statutes is amended to read:

14           91.13 (4) (a) Whether the farmland is designated an agricultural preservation  
15 area in ~~a certified~~ an agricultural preservation plan ~~established~~ certified under  
16 ~~subch. IV s. 91.06, 1997 stats.~~, or is an area zoned for exclusive agricultural use under  
17 an ordinance certified under ~~subch. V s. 91.06, 1997 stats.~~

18           **\*-1785/P3.39\* SECTION 1863.** 91.13 (8) (d) of the statutes is repealed.

19           **\*-1785/P3.40\* SECTION 1864.** 91.14 of the statutes is amended to read:

20           **91.14 Transition area agreements.** An owner may apply for a transition  
21 area agreement under this subchapter if the farmland is located in an area identified  
22 as a transition area under ~~a certified~~ county agricultural preservation plan certified  
23 under ~~subch. IV s. 91.06, 1997 stats.~~ The provisions of this subchapter, except ss.  
24 91.11 (1) (b) and (4), 91.13 (4) (a) and (10) and 91.15, apply to agreements under this

1 section. Agreements under this section shall be for not less than 5 nor more than 20  
2 years, consistent with the county agricultural preservation plan.

3 **\*-1785/P3.41\* SECTION 1865.** 91.19 (2) (c) 1. e. of the statutes is amended to  
4 read:

5 91.19 (2) (c) 1. e. The proposed development or use is consistent with the  
6 county's ~~certified~~ agricultural preservation plan certified under s. 91.06, 1997 stats.,  
7 if a plan is in effect.

8 **\*-1785/P3.42\* SECTION 1866.** 91.19 (6t) of the statutes is amended to read:

9 91.19 (6t) ~~The~~ After the effective date of this subsection .... [revisor inserts  
10 date], the department shall relinquish land from a farmland preservation agreement  
11 ~~land that has been subject to a farmland preservation agreement for at least 10 years~~  
12 if the owner of the land so requests.

13 **\*-1785/P3.43\* SECTION 1867.** 91.19 (7) of the statutes is amended to read:

14 91.19 (7) Whenever a farmland preservation agreement is relinquished under  
15 sub. (2) or (6t) or all or part of the land is released from a farmland preservation  
16 agreement under sub. (2) or (6p) or a transition area agreement is relinquished under  
17 sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished  
18 under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien  
19 against the property formerly subject to the agreement for the total amount of all  
20 credits received by all owners of such lands under ~~subch. IX of ch. 71 ss. 71.59 and~~  
21 71.60 during the last 10 years that the land was eligible for such credit, plus interest  
22 at the rate of 9.3% per year compounded annually on the credits received from the  
23 time the credits were received until the lien is paid for farmland preservation  
24 agreements relinquished under sub. (6t) and 6% per year compounded annually on  
25 the credits received from the time the credits were received until the lien is paid for

1 other agreements. No interest shall be compounded for any period during which the  
2 farmland is subject to a subsequent farmland preservation agreement or transition  
3 area agreement or is zoned for exclusive agricultural use under an ordinance  
4 certified under ~~subch. V~~ s. 91.06, 1997 stats.

5 **\*-1785/P3.44\* SECTION 1868.** 91.19 (8) of the statutes is amended to read:

6 91.19 (8) Subject to subs. (12) and (13), upon the relinquishment of a farmland  
7 preservation agreement under sub. (1) or (1m), the department shall cause to be  
8 prepared and recorded a lien against the property formerly subject to the farmland  
9 preservation agreement for the total amount of the credits received by all owners  
10 thereof under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 during the last 10 years that the  
11 land was eligible for such credit, plus 6% interest per year compounded from the time  
12 of relinquishment. No interest shall be compounded for any period during which the  
13 farmland is subject to a subsequent farmland preservation agreement or transition  
14 area agreement or is zoned for exclusive agricultural use under an ordinance  
15 certified under ~~subch. V~~ s. 91.06, 1997 stats.

16 **\*-1785/P3.45\* SECTION 1869.** 91.19 (10) of the statutes is amended to read:

17 91.19 (10) The lien may be paid and discharged at any time and shall become  
18 payable to the state by the owner of record at the time the land or any portion of it  
19 is sold by the owner of record to any person except the owner's child or if the land is  
20 converted to a use prohibited by the former farmland preservation agreement. Upon  
21 reentry in an agreement under this subchapter or upon zoning for exclusively  
22 agricultural use under an ordinance certified under ~~subch. V~~ s. 91.06, 1997 stats., the  
23 portion of the lien on the land reentered or so zoned shall be discharged. The  
24 discharge of a lien does not affect the calculation of any subsequent lien under sub.  
25 (7) or (8). The proceeds from the payment shall be paid into the general fund.

1           **\*-1785/P3.46\* SECTION 1870.** 91.19 (12) of the statutes is amended to read:

2           91.19 (12) No lien may be filed under sub. (7) or (8), on the date of  
3           relinquishment, release or termination, for tax credits paid on lands or any portion  
4           of them which are zoned for exclusively agricultural use under an ordinance certified  
5           under ~~subch. V~~ s. 91.06, 1997 stats.

6           **\*-1785/P3.47\* SECTION 1871.** 91.19 (13) of the statutes is amended to read:

7           91.19 (13) No lien may be filed under sub. (7) or (8) for any amount of tax credits  
8           paid under ~~subch. IX of ch. 71~~ ss. 71.59 and 71.60 to any owner of farmland if, up to  
9           the date of relinquishment under sub. (1) or (1m) of the applicable farmland  
10          preservation agreement or transition area agreement, all of the requirements under  
11          this subchapter that relate to the agreement have been satisfied by the owner.

12          **\*-1785/P3.48\* SECTION 1872.** 91.21 (3) of the statutes is amended to read:

13          91.21 (3) If the owner or a successor in title of the land upon which a farmland  
14          preservation agreement has been recorded under this chapter fails to comply with  
15          s. 91.13 (8) ~~(d) or (dm)~~, such person shall be given one year to restore compliance  
16          before the remedies of sub. (1) shall be applicable.

17          **\*-1785/P3.49\* SECTION 1873.** 91.25 of the statutes is created to read:

18          **91.25 Phaseout of agreements.** The department may not enter into, or  
19          extend, an agreement under this subchapter after the effective date of this section  
20          .... [revisor inserts date].

21          **\*-1785/P3.50\* SECTION 1874.** Subchapter III of chapter 91 [precedes 91.31] of  
22          the statutes is repealed.

23          **\*-1785/P3.51\* SECTION 1875.** Subchapter IV of chapter 91 [precedes 91.51] of  
24          the statutes is repealed.

25          **\*-1785/P3.52\* SECTION 1876.** 91.71 of the statutes is repealed.

1           **\*-1785/P3.53\* SECTION 1877.** 91.73 (2) of the statutes is repealed.

2           **\*-1785/P3.54\* SECTION 1878.** 91.75 (intro.) of the statutes is amended to read:

3           **91.75 Ordinance standards.** (intro.) A zoning ordinance shall be deemed an  
4       “exclusive agricultural use ordinance” if it includes those jurisdictional,  
5       organizational or enforcement provisions necessary for its proper administration, if  
6       the land in exclusive agricultural use districts is limited to agricultural use ~~and is~~  
7       ~~identified as an agricultural preservation area under any agricultural preservation~~  
8       ~~plans adopted under subch. IV~~ and if the regulations on the use of agricultural lands  
9       in such districts meet the following standards which, except for sub. (4), are  
10      minimum standards:

11          **\*-1785/P3.55\* SECTION 1879.** 91.75 (1) of the statutes is repealed and  
12      recreated to read:

13          91.75 (1) A minimum lot size is specified.

14          **\*-1785/P3.56\* SECTION 1880.** 91.75 (6) of the statutes is amended to read:

15          91.75 (6) For purposes of farm consolidation and if permitted by local  
16      regulation, farm residences or structures which existed prior to the adoption of the  
17      ordinance may be separated from a larger farm parcel. ~~Farm residences or~~  
18      ~~structures with up to 5 acres of land which are separated from a larger farm parcel~~  
19      ~~under this section are not subject to the lien under s. 91.19 (8) to (10), as required in~~  
20      ~~s. 91.77 (2) or 91.79.~~

21          **\*-1785/P3.57\* SECTION 1881.** 91.77 (2) of the statutes is repealed.

22          **\*-1785/P3.58\* SECTION 1882.** 91.78 of the statutes is repealed.

23          **\*-1785/P3.59\* SECTION 1883.** 91.79 of the statutes is repealed.

24          **\*-1785/P3.60\* SECTION 1884.** 91.80 (1) of the statutes is amended to read:

1           91.80 (1) ORDINANCE. Any county, city, village or town may require by separate  
2 ordinance that land for which an owner ~~receives a zoning certificate under s. 71.59~~  
3 ~~(1)(b) applies for a farmland preservation credit under ss. 71.59 and 71.60~~ be farmed  
4 in compliance with reasonable soil and water conservation standards established by  
5 the county land conservation committee.

6           \*~~1243/2.1~~\* SECTION 1885. 92.04 (2) (b) of the statutes is amended to read:

7           92.04 (2) (b) *Review and approve land and water resource management plans.*  
8 The board shall review and approve or disapprove land and water resource  
9 management plans prepared under s. 92.10 ~~and make recommendations to the~~  
10 ~~department on approval or disapproval of those plans.~~

11           \*~~1785/P3.61~~\* SECTION 1886. 92.08 (1) of the statutes is amended to read:

12           92.08 (1) Every land conservation committee shall prepare annually for its  
13 county a plan which describes the soil and water resource activities to be undertaken  
14 by that county and the dollar amounts required for personnel to administer and  
15 implement activities in that county related to soil conservation activities required  
16 under ~~ss. 92.104 and s. 92.105~~ to claim a farmland preservation credit under ~~subch.~~  
17 ~~IX of ch. 71 ss. 71.59 and 71.60~~, activities required under s. 92.17 related to shoreland  
18 management or activities required under s. 281.65 (8m) related to the development  
19 or implementation of animal waste or construction site erosion ordinances. The land  
20 conservation committee shall submit that plan to the county board of that county and  
21 to the department.

22           \*~~1243/2.2~~\* SECTION 1887. 92.10 (4) (d) of the statutes is amended to read:

23           92.10 (4) (d) *Plan review.* The department, in consultation with the  
24 department of natural resources, shall review ~~and approve or disapprove~~ land and  
25 water resource management plans submitted by the land conservation committees.

1 summarize the plans and make recommendations to the board on approval or  
2 disapproval of the plans. The department may require land conservation committees  
3 to indicate specific projects to be funded under each plan and the related  
4 cost-sharing rates.

5 \*~~1243/2.3~~\* **SECTION 1888.** 92.10 (5) (a) of the statutes is amended to read:

6 92.10 (5) (a) *Plan review.* The board shall review and approve or disapprove  
7 land and water resource management plans submitted by the land conservation  
8 committees ~~and make recommendations to the department.~~

9 \*~~1243/2.4~~\* **SECTION 1889.** 92.10 (6) (a) of the statutes is repealed and  
10 recreated to read:

11 92.10 (6) (a) *Plan preparation.* A land conservation committee shall prepare  
12 a land and water resource management plan that, at a minimum, does all of the  
13 following:

- 14 1. Assesses water quality and soil erosion conditions throughout the county.
- 15 2. Specifies water quality and soil erosion control goals and identifies the areas  
16 that may not be meeting those goals.
- 17 3. Identifies applicable performance standards and prohibitions related to the  
18 control of pollution from nonpoint sources, as defined in s. 281.65 (2) (b), and to soil  
19 erosion control, including those under this chapter and chs. 281 and 283 and ss.  
20 59.692 and 59.693.
- 21 4. Includes a multiyear description of planned county activities, and priorities  
22 for those activities, related to land and water resources, including those designed to  
23 meet the goals specified under subd. 2. and to ensure compliance with the standards  
24 and prohibitions identified under subd. 3.
- 25 5. Describes a system to monitor the progress of activities described in the plan.



## SECTION 1889

1           6. Includes a strategy to provide information and education related to soil and  
2 water resource management.

3           7. Describes methods for coordinating activities described in the plan with  
4 programs of other local, state and federal agencies.

5           \*-1785/P3.62\* SECTION 1890. 92.104 of the statutes is repealed.

6           \*-1785/P3.63\* SECTION 1891. 92.105 (1) of the statutes is amended to read:

7           92.105 (1) ESTABLISHMENT. A land conservation committee shall establish soil  
8 and water conservation standards. The standards ~~and specifications~~ for agricultural  
9 facilities and practices that are constructed or begun on or after October 14, 1997,  
10 and, if cost-sharing is available to the farmer under s. 92.14, 281.16 (5) or 281.65 or  
11 from any other source, for agricultural facilities and practices that are constructed  
12 or begun before that date shall be consistent with the performance standards,  
13 prohibitions, conservation practices and technical standards under s. 281.16 (3). ~~It~~  
14 Beginning on January 1, 2001, the standards shall be consistent with the tolerable  
15 erosion level established under s. 92.04 (2) (i) and with nutrient management rules  
16 promulgated under s. 92.05 (3) (k). A land conservation committee shall submit  
17 these standards to the board for review.

18           \*-1785/P3.64\* SECTION 1892. 92.105 (2) of the statutes is amended to read:

19           92.105 (2) GUIDELINES; REVIEW. The board shall develop guidelines to be used  
20 for the establishment and administration of soil and water conservation standards.  
21 The board shall review and shall approve or disapprove submitted soil and water  
22 conservation standards based on the guidelines it develops. If the board approves  
23 soil and water conservation standards, it shall notify ~~any appropriate zoning~~  
24 authority the land conservation committee of its approval.

25           \*-1785/P3.65\* SECTION 1893. 92.105 (3) of the statutes is amended to read:

1           92.105 (3) APPROVED STANDARDS REQUIRED FOR FARMLAND PRESERVATION CREDIT.  
2       A farmland preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59~~  
3       and 71.60 for claims relating to any land to which this section applies unless the land  
4       conservation committee for the county where the property is located establishes soil  
5       and water conservation standards which are approved by the board.

6           \***-1785/P3.66\* SECTION 1894.** 92.105 (5) of the statutes is amended to read:

7           92.105 (5) NONCOMPLIANCE. If the land conservation committee determines  
8       that farming operations on land to which this section applies do not comply with soil  
9       and water conservation standards, it shall issue a notice of noncompliance to the  
10      farmer and send a copy of the notice to ~~any appropriate zoning authority. If no~~  
11      ~~appropriate zoning authority exists, it shall send a copy to the department of~~  
12      revenue. This notice of noncompliance remains in effect until canceled. If actions  
13      are taken to comply with the soil and water conservation standards in a manner  
14      satisfactory to the land conservation committee, it shall cancel the notice of  
15      noncompliance by notifying the farmer and by sending a copy of the cancellation to  
16      ~~any appropriate zoning authority. If no appropriate zoning authority exists or if the~~  
17      ~~original notice was sent to the department of revenue, it shall send a copy of the~~  
18      ~~cancellation to the department of revenue.~~

19          \***-1785/P3.67\* SECTION 1895.** 92.105 (6) of the statutes is amended to read:

20          92.105 (6) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland  
21      preservation credit may not be allowed under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~  
22      if a notice of noncompliance is in effect with respect to a claimant to which this section  
23      applies at the time the claim is filed.

24          \***-1785/P3.68\* SECTION 1896.** 92.105 (7) (a) (title) of the statutes is repealed.

## SECTION 1897

1           **\*-1785/P3.69\* SECTION 1897.** 92.105 (7) (a) of the statutes is renumbered  
2 92.105 (7) and amended to read:

3           92.105 (7) **APPLICABILITY.** This section and soil and water conservation  
4 standards established under this section apply only to a person claiming a farmland  
5 preservation credit under ~~subch. IX of ch. 71 ss. 71.59 and 71.60~~, land related to that  
6 claim and farming operations on that land ~~and apply only as provided under pars.~~  
7 ~~(b) to (d).~~

8           **\*-1785/P3.70\* SECTION 1898.** 92.105 (7) (b) to (d) of the statutes are repealed.

9           **\*-1785/P3.71\* SECTION 1899.** 92.14 (2) (e) of the statutes is amended to read:  
10 92.14 (2) (e) Promoting compliance with the requirements under ~~ss. 92.104 and~~  
11 ~~s. 92.105~~ by persons claiming a farmland preservation credit under ~~subch. IX of ch.~~  
12 ~~71 ss. 71.59 and 71.60.~~

13           **\*-1785/P3.72\* SECTION 1900.** 92.14 (3) (a) of the statutes is amended to read:  
14 92.14 (3) (a) Compliance with requirements under ~~ss. 92.104 and s. 92.105~~ by  
15 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~  
16 ~~and 71.60.~~

17           **\*-1785/P3.73\* SECTION 1901.** 92.14 (4) (b) of the statutes is amended to read:  
18 92.14 (4) (b) Implementing land and water resource management projects  
19 undertaken to comply with the requirements under ~~ss. 92.104 and s. 92.105~~ by  
20 persons claiming a farmland preservation credit under ~~subch. IX of ch. 71 ss. 71.59~~  
21 ~~and 71.60.~~

22           **\*-1785/P3.74\* SECTION 1902.** 92.14 (6) (c) 1. of the statutes is amended to read:  
23 92.14 (6) (c) 1. Cost-effectiveness of an activity, including but not limited to  
24 technical assistance, educational assistance, management practices, and satisfying

1 the requirements under ss. ~~92.104~~ and s. 92.105 for claiming farmland preservation  
2 credits under subch. IX of ch. 71 ss. 71.59 and 71.60.

3 **\*-0099/1.2\* SECTION 1903.** 93.06 (1n) of the statutes is created to read:

4 93.06 (1n) ELECTRONIC PROCESSING. (a) Accept and process by electronic means  
5 applications and payments for licenses, permits, registrations and certificates that  
6 are issued by the department.

7 (b) Accept and process by electronic means requests and payments for goods  
8 and services that the department is authorized to provide.

9 (c) Charge fees to cover the department's electronic processing costs under  
10 pars. (a) and (b). The fees under this paragraph are in addition to any other fees  
11 required to be paid to the department.

12 **\*-0100/1.3\* SECTION 1904.** 93.06 (12) of the statutes is created to read:

13 93.06 (12) FEDERAL DAIRY POLICY REFORM. Provide assistance to organizations  
14 to seek the reform of federal milk marketing orders and other federally authorized  
15 dairy pricing policies for the benefit of milk producers in this state.

16 **\*-0100/1.4\* SECTION 1905.** 93.06 (12) of the statutes, as created by 1999  
17 Wisconsin Act .... (this act), is repealed.

18 **\*-0103/1.3\* SECTION 1906.** 93.06 (13) of the statutes is created to read:

19 93.06 (13) PLANT PROTECTION AGREEMENTS. Enter into cooperative agreements  
20 with corporations, associations, foundations and individuals to carry out plant  
21 protection activities under ch. 94.

22 **\*-0239/1.1\* SECTION 1907.** 93.12 (9) of the statutes is amended to read:

23 93.12 (9) The department shall recognize the accreditation, certification or  
24 registration of a laboratory by the department of natural resources under s. 299.11

1 and shall accept the results of any test conducted by a laboratory accredited, certified  
2 or registered to conduct that category of test under that section.

3 **\*-0091/5.4\* SECTION 1908.** 93.135 (1) (b) of the statutes is amended to read:

4 93.135 (1) (b) A license under s. 94.10 (2) or (3) ~~or (4)~~.

5 **\*-0094/2.2\* SECTION 1909.** 93.60 of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 93.60. This SECTION has been affected by drafts with  
the following LRB numbers: LRB-0094 and LRB-0101.

6 **\*-0091/5.5\* SECTION 1910.** 94.10 of the statutes is repealed and recreated to  
7 read:

8 **94.10 Nursery stock; inspection and licensing.** (1) DEFINITIONS. In this  
9 section:

10 (b) "Nonprofit organization" means an organization described in section 501 (c)  
11 of the Internal Revenue Code that is exempt from federal income tax under section  
12 501 (a) of the Internal Revenue Code.

13 (c) "Nursery" means premises in this state on which a person propagates or  
14 grows nursery stock for sale. "Nursery" does not include heeling-in grounds or other  
15 premises where a person holds nursery stock for purposes other than propagation or  
16 growth.

17 (d) "Nursery dealer" means a person, other than a nursery grower, who sells,  
18 offers for sale or distributes nursery stock from a location in this state.

19 (e) "Nursery grower" means a person who owns or operates a nursery.

20 (f) "Nursery stock" means plants and plant parts that can be propagated or  
21 grown, including rooted Christmas trees, but excluding seeds, sod, cranberry  
22 cuttings and annuals.

23 (g) "Officially inspected source" means any of the following:

1           1. A nursery dealer licensed under sub. (2).

2           2. A nursery grower licensed under sub. (3).

3           3. A source outside this state that the department recognizes under sub. (10)  
4 as an officially inspected source.

5           (i) “Rooted Christmas tree” means an evergreen tree that is rooted in the soil  
6 and grown for eventual harvest and sale as a Christmas tree.

7           (j) “Sell” means to transfer ownership, for consideration.

8           **(2) NURSERY DEALER; ANNUAL LICENSE.** (a) *License required.* Except as provided  
9 in par. (f), no person may operate as a nursery dealer without an annual license from  
10 the department. A nursery dealer license expires on February 20. A nursery dealer  
11 license may not be transferred to another person.

12           (b) *Applying for a license.* A person applying for a nursery dealer license under  
13 par. (a) shall apply on a form provided by the department. An applicant shall provide  
14 all of the following to the department:

15           1. The applicant’s legal name and address and any other name under which the  
16 applicant does business.

17           2. The address of each location at which the applicant proposes to hold nursery  
18 stock for sale.

19           3. The license fee required under par. (c).

20           4. The surcharge required under par. (d), if any.

21           5. Other information reasonably required by the department for licensing  
22 purposes.

23           (c) *License fee.* A nursery dealer shall pay the following annual license fee,  
24 based on annual purchases calculated according to par. (e):

1           1. If the nursery dealer buys no more than \$5,000 worth of nursery stock for  
2 resale, \$30.

3           2. If the nursery dealer buys more than \$5,000 but not more than \$20,000 worth  
4 of nursery stock for resale, \$50.

5           3. If the nursery dealer buys more than \$20,000 but not more than \$100,000  
6 worth of nursery stock for resale, \$100.

7           4. If the nursery dealer buys more than \$100,000 but not more than \$200,000  
8 worth of nursery stock for resale, \$150.

9           5. If the nursery dealer buys more than \$200,000 but not more than \$500,000  
10 worth of nursery stock for resale, \$200.

11           6. If the nursery dealer buys more than \$500,000 but not more than \$2,000,000  
12 worth of nursery stock for resale, \$300.

13           7. If the nursery dealer buys more than \$2,000,000 worth of nursery stock for  
14 resale, \$400.

15           (d) *Surcharge for operating without a license.* In addition to the fee required  
16 under par. (c), an applicant for a nursery dealer license shall pay a surcharge equal  
17 to the amount of that fee if the department determines that, within 365 days before  
18 submitting the application, the applicant operated as a nursery dealer without a  
19 license in violation of par. (a). Payment of the surcharge does not relieve the  
20 applicant of any other penalty or liability that may result from the violation, but does  
21 not constitute evidence of a violation of par. (a).

22           (e) *Calculating annual purchases.* The amount of an applicant's license fee  
23 under par. (c) for a license year shall be based on the applicant's purchases of nursery  
24 stock during the applicant's preceding fiscal year, except that if the applicant made  
25 no purchases of nursery stock during the preceding fiscal year the fee shall be based

1 on the applicant's good faith prediction of purchases during the license year for which  
2 the applicant is applying.

3 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

4 1. A person whose only sales of nursery stock are retail sales totaling less than  
5 \$250 annually.

6 2. A person selling or offering to sell nursery stock pursuant to a valid permit  
7 under par. (g).

8 (g) *Temporary permit; sales benefiting nonprofit organization.* The department  
9 may issue a temporary permit authorizing the permit holder to sell nursery stock,  
10 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive  
11 days. An applicant for a temporary permit shall apply on a form provided by the  
12 department and shall pay a fee of \$5. The department may impose written conditions  
13 on the temporary permit and may summarily suspend or revoke the permit if the  
14 permit holder violates those conditions.

15 (3) NURSERY GROWER; ANNUAL LICENSE. (a) *License required.* Except as provided  
16 in par. (f), no person may operate as a nursery grower without an annual license from  
17 the department. A nursery grower license expires on February 20. A nursery grower  
18 license may not be transferred to another person.

19 (b) *Applying for a license.* A person applying for a nursery grower license under  
20 par. (a) shall apply on a form provided by the department. An applicant shall provide  
21 all of the following to the department:

22 1. The applicant's legal name and address and any other name under which the  
23 applicant does business.

24 2. The address of each location in this state at which the applicant operates a  
25 nursery or holds nursery stock for sale.



1           3. The license fee required under par. (c) or (cm).

2           4. The surcharge required under (d), if any.

3           5. Other information reasonably required by the department for licensing  
4 purposes.

5           (c) *License fee; general.* Except as provided in par. (cm), a nursery grower shall  
6 pay the following annual license fee, based on annual sales calculated according to  
7 par. (e):

8           1. If the nursery grower annually sells no more than \$5,000 worth of nursery  
9 stock, \$40.

10          2. If the nursery grower annually sells more than \$5,000 but not more than  
11 \$20,000 worth of nursery stock, \$75.

12          3. If the nursery grower annually sells more than \$20,000 but not more than  
13 \$100,000 worth of nursery stock, \$125.

14          4. If the nursery grower annually sells more than \$100,000 but not more than  
15 \$200,000 worth of nursery stock, \$200.

16          5. If the nursery grower annually sells more than \$200,000 but not more than  
17 \$500,000 worth of nursery stock, \$350.

18          6. If the nursery grower annually sells more than \$500,000 but not more than  
19 \$2,000,000 worth of nursery stock, \$600.

20          7. If the nursery grower annually sells more than \$2,000,000 worth of nursery  
21 stock, \$1,200.

22          (cm) *License fee; Christmas tree growers.* A Christmas tree grower shall pay  
23 the following annual license fee, based on annual sales calculated according to par.  
24 (e):

1           1. If the Christmas tree grower annually sells no more than \$5,000 worth of  
2 Christmas trees, \$20.

3           2. If the Christmas tree grower annually sells more than \$5,000 but not more  
4 than \$20,000 worth of Christmas trees, \$55.

5           3. If the Christmas tree grower annually sells more than \$20,000 but not more  
6 than \$100,000 worth of Christmas trees, \$90.

7           4. If the Christmas tree grower annually sells more than \$100,000 but not more  
8 than \$200,000 worth of Christmas trees, \$150.

9           5. If the Christmas tree grower annually sells more than \$200,000 but not more  
10 than \$500,000 worth of Christmas trees, \$250.

11          6. If the Christmas tree grower annually sells more than \$500,000 but not more  
12 than \$2,000,000 worth of Christmas trees, \$450.

13          7. If the Christmas tree grower annually sells more than \$2,000,000 worth of  
14 Christmas trees, \$900.

15           (d) *Surcharge for operating without a license.* In addition to the fee required  
16 under par. (c) or (cm), an applicant for a nursery grower license shall pay a surcharge  
17 equal to the amount of that fee if the department determines that, within 365 days  
18 before submitting that application, the applicant operated as a nursery grower  
19 without a license in violation of par. (a). Payment of the surcharge does not relieve  
20 the applicant of any other penalty or liability that may result from the violation, but  
21 does not constitute evidence of a violation of par. (a).

22           (e) *Calculating annual sales.* The amount of an applicant's license fee under  
23 par. (c) or (cm) for a license year shall be based on the applicant's sales of nursery  
24 stock during the applicant's preceding fiscal year, except that if the applicant made

## SECTION 1910

1 no sales during the preceding fiscal year the fee shall be based on the applicant's good  
2 faith prediction of sales during the license year for which the applicant is applying.

3 (f) *Exemptions.* Paragraph (a) does not apply to any of the following:

4 1. A nursery grower whose only sales of nursery stock are retail sales totaling  
5 less than \$250 annually.

6 2. A person growing nursery stock for sale pursuant to a valid temporary permit  
7 under par. (g).

8 (g) *Temporary permit; sales benefiting nonprofit organization.* The department  
9 may issue a temporary permit authorizing the permit holder to sell nursery stock,  
10 for the benefit of a nonprofit organization, for a period of not more than 7 consecutive  
11 days. An applicant for a temporary permit shall apply on a form provided by the  
12 department and shall pay a fee of \$5. The department may impose written conditions  
13 on the temporary permit and may summarily suspend or revoke the permit if the  
14 permit holder violates those conditions.

15 (3m) NOTICE OF NEW LOCATIONS. (a) The holder of a nursery dealer license shall  
16 notify the department in writing before adding, during a license year, any new  
17 location at which the license holder will hold nursery stock for sale. The license  
18 holder shall specify the address of the new location in the notice.

19 (b) The holder of a nursery grower license shall notify the department in  
20 writing before adding, during the license year, any new location at which the license  
21 holder will operate a nursery or hold nursery stock for sale. The license holder shall  
22 specify the address of the new location in the notice.

23 (4) NURSERY GROWERS AND DEALERS; RECORDS. (a) *Nursery dealers; records of*  
24 *nursery stock received.* A nursery dealer shall keep a record of every shipment of

1       nursery stock received by the nursery dealer. The nursery dealer shall include all  
2       of the following in the record:

3             1. A description of the types of nursery stock, and the quantity of nursery stock  
4       of each type, included in the shipment.

5             2. The name and address of the source from which the nursery dealer received  
6       the shipment.

7             (b) *Nursery growers and dealers; records of shipments to other nursery growers*  
8       *and dealers.* Each nursery grower and nursery dealer shall record every shipment  
9       of nursery stock that the nursery grower or nursery dealer sells or distributes to  
10      another nursery grower or nursery dealer. The nursery grower or nursery dealer  
11      shall include all of the following in the record:

12            1. A description of the types of nursery stock, and the quantity of nursery stock  
13      of each type, included in the shipment.

14            2. The name and address of the nursery grower or nursery dealer receiving the  
15      shipment.

16            (c) *Records retained and made available.* A nursery grower or nursery dealer  
17      who is required to keep records under par. (a) or (b) shall retain those records for at  
18      least 3 years and shall make those records available to the department for inspection  
19      and copying upon request.

20            (5) LABELING NURSERY STOCK. (a) *Nursery stock shipped to dealer.* No person  
21      may sell or distribute any shipment of nursery stock to a nursery dealer, and no  
22      nursery dealer may accept a shipment of nursery stock, unless that shipment is  
23      labeled with all of the following:

24            1. The name and address of the person selling or distributing the shipment to  
25      the nursery dealer.

1           2. A certification, by the person under subd. 1., that all of the nursery stock  
2 included in the shipment is from officially inspected sources.

3           (b) *Growers and dealers to report unlabeled shipments.* Whenever any person  
4 tenders to a nursery grower or nursery dealer any shipment of nursery stock that is  
5 not fully labeled according to par. (a), the nursery grower or nursery dealer shall  
6 promptly report that unlabeled shipment to the department.

7           (c) *Nursery stock sold at retail.* A person selling nursery stock at retail shall  
8 ensure that the nursery stock is labeled with the common or botanical name of the  
9 nursery stock.

10          **(6) CARE OF NURSERY STOCK.** (a) *Adequate facilities.* A nursery grower or  
11 nursery dealer shall maintain facilities that are reasonably adequate for the care and  
12 keeping of nursery stock held for sale, so that the nursery grower or nursery dealer  
13 can keep the nursery stock in healthy condition pending sale.

14          (b) *Reasonable examinations.* Nursery growers and nursery dealers shall make  
15 reasonable examinations of nursery stock held for sale to determine whether that  
16 nursery stock is capable of reasonable growth, is infested with injurious pests or is  
17 infected with disease.

18          **(7) PROHIBITIONS.** (a) *Nursery dealers.* No nursery dealer may do any of the  
19 following:

20           1. Obtain, hold, sell, offer to sell or distribute nursery stock from any source  
21 other than an officially inspected source.

22           2. Misrepresent that the nursery dealer is a nursery grower.

23          (b) *Nursery growers and dealers.* No nursery grower or nursery dealer may do  
24 any of the following:

1           1. Sell, offer to sell or distribute any nursery stock that the nursery grower or  
2           nursery dealer knows, or has reason to know, is infested with plant pests or infected  
3           with plant diseases that may be spread by the sale or distribution of that nursery  
4           stock.

5           2. Sell, offer to sell or distribute any nursery stock that the nursery grower or  
6           nursery dealer knows, or has reason to know, will not survive or grow.

7           3. Misrepresent the name, origin, grade, variety, quality or hardiness of any  
8           nursery stock offered for sale or make any other false or misleading representation  
9           in the advertising or sale of nursery stock.

10          4. Conceal nursery stock to avoid inspection by the department, falsify any  
11          record required under this section or make any false or misleading statement to the  
12          department.

13          (8) DEPARTMENT INSPECTION. The department may inspect nurseries and  
14          premises at which nursery stock is held for sale or distribution.

15          (9) DEPARTMENT ORDERS. (a) *Holding orders and remedial orders.* An  
16          authorized employe or agent of the department may, by written notice, order a  
17          nursery grower or nursery dealer to do any of the following:

18               1. Temporarily hold nursery stock pending inspection by the department.

19               2. Remedy violations of this section.

20               3. Refrain from importing weeds or pests that threaten agricultural production  
21               or the environment in this state.

22               4. Permanently withhold nursery stock from sale or distribution, if the sale or  
23               distribution would violate this section or an order issued under this section and the  
24               violation cannot be adequately remedied in another manner.

1           5. Destroy or return, without compensation from the department, nursery  
2 stock that is sold or distributed in violation of this section, or an order issued under  
3 this section, if the violation cannot be adequately remedied in another manner.

4           (b) *Hearing*. If the recipient of an order under par. (a) requests a hearing on  
5 that order, the department shall hold an informal hearing within 10 days unless the  
6 recipient of the order consents to a later date for an informal hearing. The request  
7 for a hearing is not a request under s. 227.42 (2). If a contested matter is not resolved  
8 at the informal hearing, the recipient of the order is entitled to a class 2 contested  
9 case hearing under ch. 227. The department is not required to stay an order under  
10 par. (a) pending the outcome of any hearing under this paragraph.

11           (10) RECIPROCAL AGREEMENTS WITH OTHER STATES. (a) *General*. The department  
12 may enter into reciprocal agreements with other states to facilitate interstate  
13 shipments of nursery stock.

14           (b) *Officially inspected sources*. As part of an agreement under par. (a), the  
15 department may recognize sources of nursery stock in another state as officially  
16 inspected sources.

17           (c) *Inspection and certification standards*. An agreement under par. (a) may  
18 specify standards and procedures for all of the following:

- 19           1. Inspecting officially inspected sources of nursery stock.  
20           2. Inspecting and certifying interstate shipments of nursery stock.

21           \*-0096/1.2\* SECTION 1911. 94.50 (2) of the statutes is amended to read:

22           94.50 (2) GROWERS AND DEALERS; REGISTRATION. No person may act as a grower  
23 or a dealer unless he or she is registered with the department. Any person who acts  
24 as a dealer and a grower shall register as both. Registrations shall be made annually  
25 on a form provided by the department. Registrations expire on December 31 of each

1 year. A dealer shall pay to the department an annual registration fee of \$25. The  
2 department shall assign a registration number to each person registered under this  
3 subsection. All moneys collected under this subsection shall be credited to the  
4 appropriation account under s. 20.115 (7) (ga).

5 **\*-0096/1.3\* SECTION 1912.** 94.50 (3) (b) of the statutes is amended to read:

6 94.50 (3) (b) The department shall upon request provide each registered grower  
7 and dealer with shipment certificates and report forms required under par. (a). The  
8 department shall stamp each shipment certificate and report form with the  
9 registration number of the grower or dealer. A shipment certificate and report form  
10 is valid only if used during the registration period for which the stamp registration  
11 number of the grower or dealer was issued. The department may charge a reasonable  
12 fee to recover the costs related to providing shipment certificates and report forms.  
13 All moneys collected under this paragraph shall be credited to the appropriation  
14 account under s. 20.115 (7) (ga).

15 **\*-0095/2.3\* SECTION 1913.** 94.64 (4) (a) 1. of the statutes is amended to read:

16 94.64 (4) (a) 1. A basic fee of ~~25~~ 23 cents per ton for fertilizer sold or distributed  
17 from July 1, 1997, to ~~June 30, 1999~~ beginning on the effective date of this subdivision  
18 .... [revisor inserts date], and ending on June 30, 2001, and ~~32~~ 30 cents per ton for  
19 fertilizer sold or distributed after June 30, ~~1999~~ 2001, with a minimum fee of \$25.

\*\*\*\*NOTE: This is reconciled s. 94.64 (4) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: -0061/3 and -0095/1.

20 **\*-0095/2.4\* SECTION 1914.** 94.64 (4) (a) 6. of the statutes is created to read:

21 94.64 (4) (a) 6. Beginning on the effective date of this subdivision .... [revisor  
22 inserts date], a weights and measures inspection fee of 2 cents per ton, with a  
23 minimum fee of \$1.



\*\*\*\*NOTE: This is reconciled s. 94.64 (4) (a) 6. This SECTION has been affected by drafts with the following LRB numbers: -0061/3 and -0095/1.

1       **\*-0095/2.5\* SECTION 1915.** 94.64 (4) (c) 6. of the statutes is created to read:  
2       94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
3       appropriation account under s. 20.115 (1) (j).

\*\*\*\*NOTE: This is reconciled s. 94.64 (4) (c) 6. This SECTION has been affected by drafts with the following LRB numbers: -0061/3 and -0095/1.

4       **\*-0095/2.6\* SECTION 1916.** 94.681 (2) (a) 1. to 3. of the statutes are amended  
5       to read:

6       94.681 (2) (a) 1. If the applicant sold less than \$25,000 of the product during  
7       the preceding year for use in this state, \$265, except that the fee is \$215 for the license  
8       years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~  
9       January 1, 2002.

10       2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
11       during the preceding year for use in this state, \$750, except that the fee is \$650 for  
12       the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~  
13       1, 2001, and January 1, 2002.

14       3. If the applicant sold at least \$75,000 of the product during the preceding year  
15       for use in this state, \$1,500, except that the fee is \$1,200 for the license years that  
16       begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~  
17       2002.

18       **\*-0095/2.7\* SECTION 1917.** 94.681 (2) (b) 1. to 3. of the statutes are amended  
19       to read:

20       94.681 (2) (b) 1. If the applicant sold less than \$25,000 of the product during  
21       the preceding year for use in this state, \$315, except that the fee is \$265 for the license

1 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~  
2 January 1, 2002.

3 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
4 during the preceding year for use in this state, \$860, except that the fee is \$760 for  
5 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~  
6 1, 2001, and January 1, 2002.

7 3. If the applicant sold at least \$75,000 of that product during the preceding  
8 year for use in this state, \$3,060, except that the fee is \$2,760 for the license years  
9 that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~  
10 January 1, 2002.

11 **\*-0095/2.8\* SECTION 1918.** 94.681 (2) (c) 1. to 3. of the statutes are amended  
12 to read:

13 94.681 (2) (c) 1. If the applicant sold less than \$25,000 of that product during  
14 the preceding year for use in this state, \$320, except that the fee is \$270 for the license  
15 years that begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and~~  
16 January 1, 2002.

17 2. If the applicant sold at least \$25,000 but less than \$75,000 of the product  
18 during the preceding year for use in this state, \$890, except that the fee is \$790 for  
19 the license years that begin on January 1, 1999, ~~and on January 1, 2000, January~~  
20 1, 2001, and January 1, 2002.

21 3. If the applicant sold at least \$75,000 of the product during the preceding year  
22 for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the product  
23 during the preceding year for use in this state, except that for the license years that  
24 begin on January 1, 1999, ~~and on January 1, 2000, January 1, 2001, and January 1,~~

**SECTION 1918**

1 2002, the fee shall be \$2,760 plus 0.2% of the gross revenues from sales of the product  
2 during the preceding year for use in this state.

3 **\*-0095/2.9\* SECTION 1919.** 94.704 (3) (a) 1. of the statutes is amended to read:

4 94.704 (3) (a) 1. A license fee of \$40, except that the license fee is \$30 for the  
5 license years that begin on January 1, 1999, ~~and on January 1, 2000, January 1,~~  
6 2001, and January 1, 2002.

7 **\*-0095/2.10\* SECTION 1920.** 94.72 (6) (a) 1. and 2. of the statutes are amended  
8 to read:

9 94.72 (6) (a) 1. For commercial feeds distributed in this state ~~during the years~~  
10 ~~that begin on January 1, 1998, and on January 1, 1999, 15, beginning on the effective~~  
11 date of this subdivision .... [revisor inserts date], and ending on December 31, 2000,  
12 a feed inspection fee of 13 cents per ton.

\*\*\*NOTE: This is reconciled s. 94.72 (6) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: -0061/3 and -0095/1.

13 2. For commercial feeds distributed in this state on or after January 1, ~~2000,~~  
14 25 2002, a feed inspection fee of 23 cents per ton.

\*\*\*NOTE: This is reconciled s. 94.72 (6) (a) 2. This SECTION has been affected by  
drafts with the following LRB numbers: -0061/3 and -0095/1.

15 **\*-0095/2.11\* SECTION 1921.** 94.72 (6) (a) 3. of the statutes is created to read:

16 94.72 (6) (a) 3. Beginning on the effective date of this subdivision .... [revisor  
17 inserts date], for commercial feeds distributed in this state a weights and measures  
18 inspection fee of 2 cents per ton.

\*\*\*NOTE: This is reconciled s. 94.72 (6) (a) 3. This SECTION has been affected by  
drafts with the following LRB numbers: -0061/3 and -0095/1.

19 **\*-0102/1.3\* SECTION 1922.** 95.21 (9) (c) of the statutes is created to read:

20 95.21 (9) (c) The department may provide training to persons who administer  
21 local rabies control programs or who conduct rabies examinations under those

1 programs. The department may charge fees to cover the cost of training. The fees  
2 collected under this paragraph shall be credited to the appropriation under s. 20.115  
3 (2) (j).

4 **\*-0567/1.1\* SECTION 1923.** 97.30 (1) (bm) of the statutes is repealed and  
5 recreated to read:

6 97.30 (1) (bm) Except as provided by the department by rule, “potentially  
7 hazardous food” means a food that requires temperature control because it is in a  
8 form capable of supporting any of the following:

- 9 1. Rapid and progressive growth of infectious or toxigenic microorganisms.
- 10 2. Growth and toxin production of *Clostridium botulinum*.
- 11 3. In raw shell eggs, growth of *Salmonella enteritidis*.

12 **\*-0239/1.2\* SECTION 1924.** 97.34 (2) (c) of the statutes is amended to read:

13 97.34 (2) (c) The department may require testing of bottled drinking water for  
14 substances subject to any standard under par. (b) and for any other substance if the  
15 department determines that the water system used as the source of the bottled  
16 drinking water has a potential of being contaminated, based on contamination of  
17 other water systems or groundwater in the vicinity. The department shall adopt by  
18 rule requirements for periodic sampling and analysis for the purposes of this  
19 subsection. The department shall require all analyses to be conducted by a  
20 laboratory accredited or certified under s. 299.11.

21 **\*-0567/1.2\* SECTION 1925.** 97.42 (4) (intro.) of the statutes is amended to read:

22 97.42 (4) RULES. (intro.) The department ~~shall~~ may issue reasonable rules  
23 requiring or prescribing any of the following:

24 **\*-0567/1.3\* SECTION 1926.** 97.42 (4m) of the statutes is created to read:

1           97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated  
2 under sub. (4), the operator of an establishment that is required to be licensed under  
3 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and  
4 part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed  
5 establishments.

6           \*-0061/4.1\* SECTION 1927. 98.04 (1) of the statutes is amended to read:

7           98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a  
8 population of more than 5,000, according to the ~~latest federal census~~ most recent  
9 population estimate made by the department of administration under s. 16.96, shall  
10 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it, a~~  
11 municipality shall establish a municipal department of weights and measures. Each  
12 municipal department of weights and measures shall have such number of qualified  
13 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers  
14 or inspectors shall have the same authority as sealers or inspectors of the  
15 department. The selection of municipal sealers or inspectors shall be from a list of  
16 applicants whose qualifications have been certified by the state or local civil service  
17 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep  
18 at all times a complete set of standards of weight and measure conforming to the  
19 state standards, ~~and such standards shall be submitted and shall submit the~~  
20 standards for certification at regular intervals as required by the department. ~~It~~ The  
21 municipality shall keep a complete record of its work and annually shall file a report  
22 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances  
23 ~~regulating that regulate~~ weights and measures and that are not in conflict with this  
24 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~

1     that do not exceed the actual cost of ~~the municipal~~ its weights and measures  
2     program.

3           **\*-0061/4.2\* SECTION 1928.** 98.04 (2) of the statutes is repealed and recreated  
4     to read:

5           98.04 (2) If a municipality is required to establish a department of weights and  
6     measures under sub. (1), the municipality may contract with the department to  
7     enforce the provisions of this chapter within the municipality's jurisdiction instead  
8     of establishing its own department. The department may charge the municipality  
9     fees sufficient to cover the department's costs under the contract. A municipality  
10    may recover an amount not to exceed the cost of these fees by assessing fees on the  
11    persons who receive services under the weights and measures program.

12           **\*-0061/4.3\* SECTION 1929.** 98.16 (2) (b) of the statutes, as affected by 1997  
13    Wisconsin Act 27, section 2552f, is amended to read:

14           98.16 (2) (b) The fee for a license under par. (a) is \$30 \$60, except that the  
15    department may establish a different fee by rule.

16           **\*-0061/4.4\* SECTION 1930.** 98.245 (7) (title) and (a) of the statutes are repealed  
17    and recreated to read:

18           98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,  
19    "meter servicer" means a person licensed under s. 98.18 to inspect and test meters  
20    that are used to measure liquefied petroleum gas that is sold or delivered in a liquid  
21    form and by liquid measure.

22           **\*-0061/4.5\* SECTION 1931.** 98.245 (7) (ag) and (ar) of the statutes are created  
23    to read:

24           98.245 (7) (ag) *License required.* Beginning on the effective date of this  
25    paragraph .... [revisor inserts date], no person may operate a meter to measure

1 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid  
2 measure unless the person holds an annual license issued by the department for the  
3 meter. A separate license is required for each meter. A license is not transferable  
4 between persons or meters. A license expires on July 31 of each year.

5 (ar) *License application; fees.* 1. An applicant for the license required under  
6 par. (ag) shall apply on a form provided by the department. The license application  
7 shall be accompanied by the applicable fees under subds. 2. and 3.

8 2. Unless the department establishes a different fee by rule, the fee for an  
9 annual license required under par. (ag) is \$25 for each meter.

10 3. In addition to the license fee under subd. 2., an applicant shall pay a license  
11 fee surcharge of \$200 for a meter if the department determines that within one year  
12 before making the application the applicant operated the meter in violation of par.  
13 (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
14 criminal liability that the applicant may incur because of the violation of par. (ag),  
15 but does not constitute evidence of a violation of a law.

16 **\*-0061/4.6\* SECTION 1932.** 98.245 (7) (b) 1. of the statutes is repealed and  
17 recreated to read:

18 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
19 a meter shall have that meter inspected and tested annually by a meter servicer. The  
20 meter servicer shall inspect and test the meter for accuracy according to the  
21 standards, specifications, tolerances and procedures that the department  
22 establishes by rule.

23 **\*-0061/4.7\* SECTION 1933.** 98.245 (7) (b) 2. of the statutes is amended to read:

24 98.245 (7) (b) 2. A Within 15 days after a meter servicer inspects and tests a  
25 meter under subd. 1., the meter servicing company servicer shall file with report the

1 ~~results to the department a report, for each meter, containing the results of the~~  
2 ~~testing under subd. 1. within 30 days after completing the testing in writing. If the~~  
3 ~~meter servicer fails to file the report within the 15 days, the department may assess~~  
4 ~~the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's~~  
5 ~~license issued under s. 98.18.~~

6       \***-0061/4.8\*** **SECTION 1934.** 98.245 (7) (b) 3. and 4. of the statutes are  
7 consolidated, renumbered 98.245 (7) (b) 3m. and amended to read:

8       98.245 (7) (b) 3m. If the department determines that a meter has not been  
9 ~~inspected and tested under subd. 1.~~ within the last year, the department shall ~~notify~~  
10 ~~the owner. The owner shall have 30 days after being notified to have the meter tested.~~  
11 ~~issue a written notice to the operator of the meter. -4. Within 30 days after the~~  
12 ~~operator received the notice, the operator shall have the meter inspected and tested~~  
13 ~~as required under subd. 1.~~ If the ~~owner~~ operator fails to ~~have the owner's meter~~  
14 ~~tested as required under subd. 3. do so,~~ the department may assess the ~~owner~~  
15 ~~operator~~ a fee of ~~not more than up to~~ \$100 for that meter ~~and may suspend or revoke~~  
16 ~~the operator's license issued under par. (ag) for that meter.~~

17       \***-0061/4.9\*** **SECTION 1935.** 98.245 (7) (b) 5. of the statutes is repealed.

18       \***-0063/2.12\*** **SECTION 1936.** 100.261 of the statutes is created to read:

19       **100.261 Consumer information assessment.** (1) If a court imposes a fine  
20 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this  
21 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall  
22 also impose a consumer information assessment in an amount equal to 15% of the  
23 fine or forfeiture imposed. If multiple violations are involved, the court shall base  
24 the consumer information assessment upon the the total of the fine or forfeiture



**SECTION 1936**

1 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the  
2 court shall reduce the assessment in proportion to the suspension.

3 (2) If any deposit is made for a violation to which this section applies, the person  
4 making the deposit shall also deposit a sufficient amount to include the consumer  
5 information assessment required under this section. If the deposit is forfeited, the  
6 amount of the consumer information assessment shall be transmitted to the state  
7 treasurer under sub. (3). If the deposit is returned, the consumer information  
8 assessment shall also be returned.

9 (3) The clerk of court shall collect and transmit the consumer information  
10 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county  
11 treasure shall then make payment to the state treasurer under s. 59.25 (3) (f) 2. The  
12 state treasure shall deposit the assessment amounts in the general fund, and the  
13 amounts shall be credited to appropriation account under s. 20.115 (1) (jb).

14 **\*-0220/P1.1\* SECTION 1937.** 100.37 (2) (e) 2. e. of the statutes is created to  
15 read:

16 100.37 (2) (e) 2. e. Any fever thermometer containing elemental mercury.

17 **\*-0196/7.1\* SECTION 1938.** 100.48 (1) (a) of the statutes is renumbered 100.48  
18 (1) (am).

19 **\*-0196/7.2\* SECTION 1939.** 100.48 (1) (ad) of the statutes is created to read:

20 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

21 **\*-0196/7.3\* SECTION 1940.** 100.48 (1) (ag) of the statutes is created to read:

22 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

23 **\*-0196/7.4\* SECTION 1941.** 100.48 (1) (b) of the statutes is amended to read:

1           100.48 (1) (b) “Hour meter” means an instrument ~~on a piece of farm equipment~~  
2           that measures and records the actual hours of operation of the ~~piece of farm~~  
3           ~~equipment vehicle or device to which the instrument is attached.~~

4           \*~~0196/7.5~~\* SECTION 1942. 100.48 (1) (c) of the statutes is created to read:

5           100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

6           \*~~0196/7.6~~\* SECTION 1943. 100.48 (2) of the statutes is amended to read:

7           100.48 (2) No person may, either personally or through an agent, remove,  
8           replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter  
9           attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the  
10          intent to defraud by changing or affecting the number of hours of operation indicated  
11          on the hour meter.

12          \*~~0196/7.7~~\* SECTION 1944. 100.48 (3) (a) of the statutes is amended to read:

13          100.48 (3) (a) Nothing in this section shall prevent the service, repair or  
14          replacement of an hour meter if the number of hours of operation indicated on the  
15          hour meter remains the same as before the service, repair or replacement. If an hour  
16          meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is  
17          incapable of registering the same number of hours of operation as before its service,  
18          repair or replacement, the hour meter shall be adjusted to read zero, and a sticker  
19          shall be affixed by the owner of the ~~piece of farm equipment vehicle or device to which~~  
20          the hour meter is attached or an agent, in proximity to the hour meter, specifying the  
21          number of hours of operation recorded on the hour meter prior to its service, repair  
22          or replacement and the date on which it was serviced, repaired or replaced. No  
23          person who services, repairs or replaces an hour meter attached to farm equipment,  
24          a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the  
25          same number of hours of operation as before such service, repair or replacement may

1 fail to adjust the hour meter to read zero or fail to affix the sticker required by this  
2 paragraph.

3 **\*-0196/7.8\* SECTION 1945.** 100.48 (4) (a) of the statutes is amended to read:

4 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour  
5 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned  
6 for not more than one year in the county jail, or both, for each violation.

7 **\*-0196/7.9\* SECTION 1946.** 100.48 (4) (b) of the statutes is amended to read:

8 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter  
9 attached to farm equipment may be required to forfeit not more than \$500 for each  
10 violation.

11 **\*-0196/7.10\* SECTION 1947.** 100.48 (4) (c) of the statutes is created to read:

12 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour  
13 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more  
14 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for  
15 each violation.

16 **\*-0030/1.113\* SECTION 1948.** 101.01 (4) of the statutes is amended to read:

17 101.01 (4) "Employer" means any person, firm, corporation, state, county,  
18 town, city, village, school district, sewer district, drainage district, family care  
19 district and other public or quasi-public corporations as well as any agent, manager,  
20 representative or other person having control or custody of any employment, place  
21 of employment or of any employee.

22 **\*-0423/1.1\* SECTION 1949.** 101.09 (title) of the statutes is amended to read:

23 **101.09 (title) Storage of flammable and, combustible and hazardous**  
24 **liquids.**

25 **\*-0423/1.2\* SECTION 1950.** 101.09 (1) (am) of the statutes is created to read:

1           101.09 (1) (am) "Federally regulated hazardous substance" means a hazardous  
2 substance, as defined in 42 USC 9601 (14).

3           **\*-0423/1.3\* SECTION 1951.** 101.09 (2) (a) of the statutes is amended to read:

4           101.09 (2) (a) Except as provided under pars. (b) to (d), every person who  
5 constructs, owns or controls a tank for the storage, handling or use of ~~flammable or~~  
6 ~~combustible~~ liquid that is flammable or combustible or a federally regulated  
7 hazardous substance shall comply with the standards adopted under sub. (3).

8           **\*-0423/1.4\* SECTION 1952.** 101.09 (3) (a) of the statutes is amended to read:

9           101.09 (3) (a) The department shall promulgate by rule construction,  
10 maintenance and abandonment standards applicable to tanks for the storage,  
11 handling or use of ~~flammable and combustible~~ liquids that are flammable or  
12 combustible or are federally regulated hazardous substances, and to the property  
13 and facilities where the tanks are located, for the purpose of protecting the waters  
14 of the state from harm due to contamination by ~~flammable and combustible~~ liquids  
15 that are flammable or combustible or are federally regulated hazardous substances.  
16 The rule shall comply with ch. 160. The rule may include different standards for new  
17 and existing tanks, but all standards shall provide substantially similar protection  
18 for the waters of the state. The rule shall include maintenance requirements related  
19 to the detection and prevention of leaks. The rule may require any person supplying  
20 heating oil to any noncommercial storage tank for consumptive use on the premises  
21 to submit to the department, within 30 days after the department requests, the  
22 location, contents and size of any such tank.

23           **\*-0422/1.1\* SECTION 1953.** 101.09 (3) (b) of the statutes is repealed.

24           **\*-0183/2.14\* SECTION 1954.** 101.123 (1) (b) of the statutes is amended to read:

## SECTION 1954

1           101.123 (1) (b) "Inpatient health care facility" means a county home  
2           established under s. 49.70, a county infirmary established under s. 49.72, or a  
3           community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~  
4           a tuberculosis sanatorium established under s. 58.06, ~~252.073 or 252.076.~~

5           **\*-0423/1.5\* SECTION 1955.** 101.14 (5) of the statutes is amended to read:

6           101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the  
7           department by rule for plan review and approval for the construction of a new or  
8           additional installation or change in operation of a previously approved installation  
9           for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is  
10          flammable or combustible or a federally regulated hazardous substance, as defined  
11          in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each  
12          plan review submittal. The moneys collected under this subsection shall be credited  
13          to the environmental fund for environmental management.

14          (b) Notwithstanding par. (a), an installation for the storage, handling or use of  
15          ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a  
16          federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has  
17          a capacity of less than 1,000 gallons is not subject to the groundwater fee under par.  
18          (a).

19          **\*-1359/3.1\* SECTION 1956.** 101.143 (2) (h) of the statutes is created to read:

20          101.143 (2) (h) The department may promulgate a rule specifying information  
21          and audit requirements to implement sub. (4) (c) 8.

22          **\*-1668/1.2\* SECTION 1957.** 101.143 (2) (i) of the statutes is created to read:

23          101.143 (2) (i) 1. The department may promulgate rules that specify a fee that  
24          must be paid by a service provider as a condition of submitting a bid to conduct an  
25          activity under sub. (3) (c) for which a claim for reimbursement under this section will

1 be submitted. Any fees collected under the rules shall be deposited in the petroleum  
2 inspection fund.

3 2. If the department promulgates rules under subd. 1., the department may  
4 purchase, or provide funding for the purchase of, insurance to cover the amount by  
5 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to  
6 conduct those activities.

7 **\*-1358/4.1\* SECTION 1958.** 101.143 (2e) of the statutes is created to read:

8 101.143 (2e) AWARD PRIORITIES. (a) The department may promulgate rules for  
9 assigning an award priority to each occurrence that the department determines may  
10 result in an award under sub. (4), except for occurrences resulting from discharges  
11 from home oil tank systems, petroleum product storage systems that are described  
12 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school  
13 districts and that are used for storing heating oil for consumptive use on the premises  
14 where stored. If the department promulgates rules under this paragraph, it shall  
15 base the award priorities on environmental factors and any other factors that the  
16 department considers appropriate. The rules may only apply to occurrences for  
17 which remedial action plans are approved under sub. (3) (cs) after the effective date  
18 of the rules.

19 (b) If the department promulgates rules under par. (a), the department shall  
20 pay awards under sub. (4) for occurrences to which the rules apply in order of the  
21 award priorities under those rules.

22 (c) If the department promulgates rules under par. (a), the department shall  
23 notify an owner or operator of a petroleum product storage system to which the rules  
24 apply of the date on which the department determines that it is appropriate to begin  
25 activities under sub. (3) (c) 3. or (g) with respect to a discharge from that system,

1 based on the department's estimate of when funds will be available to pay an award  
2 to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3)  
3 and (7) (c), an owner or operator to whom rules under par. (a) apply is not required  
4 to begin activities under sub. (3) (c) 3. or (g) until the date on which the department  
5 determines it is appropriate to begin those activities. If an owner or operator begins  
6 activities under sub. (3) (c) 3. or (g) before the date when the department determines  
7 it is appropriate to begin those activities, the department may deny the payment of  
8 interest costs to the owner or operator, as provided in the rules promulgated by the  
9 department.

10 **\*-1669/5.1\* SECTION 1959.** 101.143 (3) (c) 2. of the statutes is amended to read:

11 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific  
12 remedial action activities proposed to be conducted under subd. 3. and submit the  
13 remedial action plan to the department for approval.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (c) 2. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

14 **\*-1669/5.2\* SECTION 1960.** 101.143 (3) (cs) of the statutes is created to read:

15 101.143 (3) (cs) *Review of remedial action plans.* The department shall review  
16 and approve or disapprove remedial action plans submitted under par. (c) 2.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (cs). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

17 **\*-1669/5.3\* SECTION 1961.** 101.143 (3) (d) of the statutes is amended to read:

18 101.143 (3) (d) *Review of ~~site investigations, remedial action plans and~~*  
19 *remedial action activities.* ~~The department of natural resources or, if the discharge~~  
20 ~~is covered under s. 101.144 (2) (b), the department of commerce shall, at the request~~  
21 ~~of the claimant, review the site investigation and the remedial action plan and advise~~  
22 ~~the claimant on the adequacy of proposed remedial action activities in meeting the~~

1 ~~requirements of s. 292.11. The advice is not an approval of the remedial action~~  
2 ~~activities. The department of natural resources or, if the discharge is covered under~~  
3 ~~s. 101.144 (2) (b), the department of commerce shall complete a final review of the~~  
4 ~~remedial action activities within 60 days after the claimant notifies the appropriate~~  
5 ~~department that the remedial action activities are completed.~~

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (d). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1358 and LRB-1669.

6 **\*-1359/3.2\* SECTION 1962.** 101.143 (4) (c) 8. of the statutes is amended to read:  
7 101.143 (4) (c) 8. Interest Any interest costs incurred by an applicant with gross  
8 revenues that exceed \$20,000,000 in the most recent tax year before the applicant  
9 submits a claim. For any other applicant, interest costs that exceed interest at 1%  
10 over the prime rate, as determined under rules promulgated by the department 5%.

11 **\*-1388/6.1\* SECTION 1963.** 101.143 (4) (d) 2. (intro.) of the statutes is amended  
12 to read:

13 101.143 (4) (d) 2. (intro.) The department shall issue the award under this  
14 paragraph without regard to fault in an amount equal to the amount of the eligible  
15 costs that exceeds a the deductible amount of \$2,500 plus 5% of the eligible costs, but  
16 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~  
17 ~~petroleum product storage system that is owned by a school district or a technical~~  
18 ~~college district and that is used for storing heating oil for consumptive use on the~~  
19 ~~premises is 25% of eligible costs under par. (dg).~~ An award issued under this  
20 paragraph may not exceed the following for each occurrence:

21 **\*-1669/5.4\* SECTION 1964.** 101.143 (4) (d) 2. a. of the statutes is amended to  
22 read:



1           101.143 (4) (d) 2. a. For an owner or operator of an underground petroleum  
2           product storage tank system that is located at a facility at which petroleum is stored  
3           for resale or an owner or operator of an underground petroleum product storage tank  
4           system that handles an annual average of more than 10,000 gallons of petroleum per  
5           month, \$1,000,000, except that, if the site is classified as medium priority or low  
6           priority under s. 101.144 (3g) (a), an award issued under this paragraph may not  
7           exceed \$100,000 for each occurrence.

8           **\*-1669/5.5\* SECTION 1965.** 101.143 (4) (d) 2. b. of the statutes is amended to  
9           read:

10           101.143 (4) (d) 2. b. For an owner or operator other than an owner or operator  
11           under subd. 2. a., c. or d., \$500,000, except that, if the site is classified as medium  
12           priority or low priority under s. 101.144 (3g) (a), an award issued under this  
13           paragraph may not exceed \$100,000 for each occurrence.

14           **\*-1669/5.6\* SECTION 1966.** 101.143 (4) (d) 2. d. of the statutes is amended to  
15           read:

16           101.143 (4) (d) 2. d. For a school district or a technical college district with  
17           respect to a discharge from a petroleum product storage system that is used for  
18           storing heating oil for consumptive use on the premises where stored, \$190,000,  
19           except that, if the site is classified as medium priority or low priority under s. 101.144  
20           (3g) (a), an award issued under this paragraph may not exceed \$100,000 for each  
21           occurrence.

22           **\*-1388/6.2\* SECTION 1967.** 101.143 (4) (dg) of the statutes is created to read:

23           101.143 (4) (dg) *Deductible; underground systems.* The amount of the  
24           deductible for an award under par. (d) is as follows for each occurrence:

1           1. Except as provided under par. (di), for an owner or operator of an  
2       underground petroleum product storage tank system that is located at a facility at  
3       which petroleum is stored for resale or an owner or operator of an underground  
4       petroleum product storage tank system that handles an annual average of more than  
5       10,000 gallons of petroleum per month, \$10,000, plus \$2,500 if the eligible costs  
6       exceed \$50,000, plus \$2,500 if the eligible costs exceed \$80,000, plus \$10,000 for each  
7       whole \$100,000 by which eligible costs exceed \$150,000.

8           2. For a school district or a technical college district with respect to a discharge  
9       from an underground petroleum product storage tank system that is used for storing  
10      heating oil for consumptive use on the premises, 25% of eligible costs.

11          3. For an owner or operator other than an owner or operator described in subd.  
12      1. or 2., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

13          \***-1388/6.3\* SECTION 1968.** 101.143 (4) (di) of the statutes is created to read:

14          101.143 (4) (di) *Rules concerning deductible for underground systems.* The  
15      department may promulgate rules describing a class of owners and operators of  
16      underground petroleum product storage tanks otherwise subject to par. (dg) 1. for  
17      whom the deductible is the amount under par. (dg) 3. rather than the amount under  
18      par. (dg) 1.

19          \***-1388/6.4\* SECTION 1969.** 101.143 (4) (dm) 2. a. of the statutes is amended  
20      to read:

21          101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%  
22      15% of the amount by which eligible costs exceed \$200,000.

23          \***-1432/7.49\* SECTION 1970.** 101.143 (9m) of the statutes is created to read:

24          101.143 (9m) **REVENUE OBLIGATIONS.** (a) For purposes of subch. II of ch. 18, the  
25      petroleum storage remedial action program is a special fund program, and the

**SECTION 1970**

1 petroleum inspection fund is a special fund. The petroleum inspection fund is a  
2 segregated fund created by the imposition of fees, penalties or excise taxes. The  
3 legislature finds and determines that a nexus exists between the petroleum storage  
4 remedial action program and the petroleum inspection fund in that fees imposed on  
5 users of petroleum are used to remedy environmental damage caused by petroleum  
6 storage.

7 (b) Deposits, appropriations or transfers to the petroleum inspection fund for  
8 the purposes of the petroleum storage remedial action program may be funded with  
9 the proceeds of revenue obligations issued subject to and in accordance with subch.  
10 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV  
11 of ch. 18.

12 (e) The department shall have all other powers necessary and convenient to  
13 distribute the special fund revenues and to distribute the proceeds of the revenue  
14 obligations in accordance with subch. II of ch. 18 and, if designated a higher  
15 education bond, in accordance with subch. IV of ch. 18.

16 (f) The department may enter into agreements with the federal government or  
17 its agencies, political subdivisions of this state, individuals or private entities to  
18 insure or in any other manner provide additional security for the revenue obligations  
19 issued under this subsection.

20 (g) Revenue obligations may be contracted by the building commission when  
21 it reasonably appears to the building commission that all obligations incurred under  
22 this subsection can be fully paid on a timely basis from moneys received or  
23 anticipated to be received. Revenue obligations issued under this subsection may not  
24 exceed \$450,000,000 in principal amount. In addition to this limit on principal  
25 amount, the building commission may contract revenue obligations under this

1 subsection as the building commission determines is desirable to fund or refund  
2 outstanding revenue obligations, to pay issuance or administrative expenses, to  
3 make deposits to reserve funds or to pay accrued or capitalized interest.

4 (h) Unless otherwise expressly provided in resolutions authorizing the  
5 issuance of revenue obligations or in other agreements with the owners of revenue  
6 obligations, each issue of revenue obligations under this subsection shall be on a  
7 parity with every other revenue obligation issued under this subsection and in  
8 accordance with subch. II of ch. 18 and, if designated a higher education bond, in  
9 accordance with subch. IV of ch. 18.

10 (i) Recognizing its moral obligation to do so, the legislature expresses its  
11 expectation and aspiration that, if the legislature reduces the rate of the petroleum  
12 inspection fee and if the funds in the petroleum inspection fund are insufficient to  
13 pay the principal and interest on the revenue obligations issued under subch. II or  
14 IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation  
15 from the general fund sufficient to pay the principal and interest on the obligations.

16 **\*-1417/3.1\* SECTION 1971.** 101.143 (12) of the statutes is created to read:

17 101.143 (12) REPORT. No later than each January 1 and July 1, the department  
18 of commerce and the department of natural resources shall submit to the governor  
19 and to the appropriate standing committees of the legislature, under s. 13.172 (3),  
20 a report concerning petroleum product storage systems and home oil tank systems  
21 from which discharges have occurred for which remedial action activities are being  
22 conducted. The departments shall provide all of the following information for each  
23 petroleum product storage system and home oil tank system:

24 (a) The date on which the record of the site investigation was received.

**SECTION 1971**

1 (b) The environmental risk factors, as defined by the department of commerce  
2 by rule, identified at the site.

3 (c) The year in which the approval under sub. (3) (c) 4. is expected to be issued.

4 **\*-1669/5.7\* SECTION 1972.** 101.144 (2) (b) 1. of the statutes is amended to read:

5 101.144 (2) (b) 1. The site of the discharge is classified, as provided in rules  
6 promulgated under sub. ~~(3m)~~ (a) 3. (3g) (a), as medium priority or low priority, based  
7 on the threat that the discharge poses to public health, safety and welfare and to the  
8 environment, subject to sub. (3g) (b).

\*\*\*\*NOTE: This is reconciled s. 101.144 (2) (b) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1669 and LRB-1583.

9 **\*-1669/5.8\* SECTION 1973.** 101.144 (3g) of the statutes is created to read:

10 101.144 (3g) (a) The department of commerce and the department of natural  
11 resource, shall attempt to reach an agreement that is consistent with par. (b) and  
12 that specifies procedures and standards for determining whether the site of a  
13 discharge of a petroleum product from a petroleum storage tank is classified as high  
14 priority, medium priority or low priority. If the department of commerce and the  
15 department of natural resources are unable to reach an agreement, they shall refer  
16 the matters on which they are unable to agree to the secretary of administration for  
17 resolution. The secretary of administration shall resolve any matters on which the  
18 departments disagree in a manner that is consistent with par. (b). The department  
19 of commerce shall promulgate rules incorporating any agreement between the  
20 department of commerce and the department of natural resources under this  
21 paragraph and any resolution of disagreements between the departments by the  
22 secretary of administration under this paragraph.

1 (b) The department of commerce may not provide, in the rules under par. (a),  
2 that all sites at which an enforcement standard, as defined in s. 160.01 (2), is  
3 exceeded are classified as high priority. The department shall design the rules under  
4 par. (a) to classify no more than 50% of sites as high priority. If 6 months after the  
5 rules under par. (a) are in effect more than 50% of sites are classified as high priority,  
6 the department shall revise the rules.

\*\*\*NOTE: This is reconciled s. 101.144 (3g) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1669 and LRB-1583.

7 **\*-1669/5.9\* SECTION 1974.** 101.144 (3m) (a) 3. of the statutes is amended to  
8 read:

9 101.144 (3m) (a) 3. Establishes ~~procedures, standards and~~ schedules for  
10 determining whether the site of a discharge of a petroleum product from a petroleum  
11 storage tank is classified as high priority, medium priority or low priority.

12 **\*-0030/1.114\* SECTION 1975.** 102.01 (2) (d) of the statutes is amended to read:

13 102.01 (2) (d) "Municipality" includes a county, city, town, village, school  
14 district, sewer district, drainage district and family care district and other public or  
15 quasi-public corporations.

16 **\*-0030/1.115\* SECTION 1976.** 102.04 (1) (a) of the statutes is amended to read:

17 102.04 (1) (a) The state, each county, city, town, village, school district, sewer  
18 district, drainage district, family care district and other public or quasi-public  
19 corporations therein.

20 **\*-0183/2.15\* SECTION 1977.** 102.26 (2m) of the statutes is repealed.

21 **\*-0536/1.2\* SECTION 1978.** 102.27 (2) (a) of the statutes is amended to read:

## SECTION 1978

1           102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),  
2           301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or  
3           767.62 (4) (b) 3.

4           **\*-1186/4.37\* SECTION 1979.** 102.29 (9) of the statutes is amended to read:

5           102.29 (9) No participant in a work experience component of a job opportunities  
6           and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered  
7           to be an employe of the agency administering that program, or who, under s. 49.193  
8           (6) (a), is 1997 stats., was provided worker's compensation coverage by the person  
9           administering the work experience component, and who makes a claim for  
10          compensation under this chapter may make a claim or maintain an action in tort  
11          against the employer who provided the work experience from which the claim arose.  
12          This subsection does not apply to injuries occurring after February 28, 1998.

13          **\*-0183/2.16\* SECTION 1980.** 102.42 (6) of the statutes is amended to read:

14          102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have  
15          elected Christian Science treatment in lieu of medical, surgical, dental, or hospital  
16          ~~or sanatorium~~ treatment, no compensation shall be payable for the death or  
17          disability of an employe, if the death be caused, or insofar as the disability may be  
18          aggravated, caused or continued by an unreasonable refusal or neglect to submit to  
19          or follow any competent and reasonable medical, surgical or dental treatment or, in  
20          the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~  
21          ~~sanatorium~~ or medical treatment when found by the department to be necessary.  
22          The right to compensation accruing during a period of refusal or neglect to submit  
23          to or follow hospital ~~or sanatorium~~ or medical treatment when found by the  
24          department to be necessary in the case of tuberculosis shall be barred, irrespective  
25          of whether disability was aggravated, caused or continued thereby.